

Please note: These transcripts are not individually reviewed and approved for accuracy.

BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE:)
)
REGULAR MONTHLY BUSINESS)
MEETING)
_____)
_____)

DATE AND TIME: WEDNESDAY,
JANUARY 22, 1997
9:30 A.M.

PLACE: BOARD HEARING
ROOM

8800 CAL CENTER
DRIVE
SACRAMENTO,
CALIFORNIA

REPORTER: BETH C. DRAIN,
RPR, CSR
CERTIFICATE NO.
7152

BRS FILE NO.: 37295

APPEARANCES

MR. DANIEL G. PENNINGTON, CHAIRMAN
MR. ROBERT C. FRAZEE, VICE CHAIRMAN
MR. WESLEY CHESBRO, MEMBER
MS. JANET GOTCH, MEMBER MR. PAUL RELIS,
MEMBER
MR. STEVEN R. JONES, MEMBER

STAFF PRESENT

MR. RALPH CHANDLER, CHIEF EXECUTIVE OFFICER
MS. KATHRYN TOBIAS, LEGAL COUNSEL
MS. MARLENE KELLY, BOARD SECRETARY

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1 VARIANCE FOR ADHESIVE, HEAT AFFIXED STRAP BAGS

2

3 ITEM 7: CONSIDERATION OF STAFF

4 RECOMMENDATION ON THE ADEQUACY OF THE HOUSEHOLD

5 HAZARDOUS WASTE ELEMENT FOR THE CITY OF REEDLEY,

6 FRESNO COUNTY

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8 ITEM 8: CONSIDERATION OF STAFF

9 RECOMMENDATIONS ON THE ADEQUACY OF THE SITING

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19 HAZARDOUS WASTE ELEMENT FOR THE CITY OF BRAWLEY,

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23 RECOMMENDATIONS ON THE ADEQUACY OF THE HOUSEHOLD

24 HAZARDOUS WASTE ELEMENT FOR THE CITY OF CALEXICO,

25 IMPERIAL COUNTY

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1 ITEM 12: CONSIDERATION OF STAFF
2 RECOMMENDATIONS ON THE ADEQUACY OF THE HOUSEHOLD
3 HAZARDOUS WASTE ELEMENT FOR THE CITY OF HOLTVILLE,
4 IMPERIAL COUNTY

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6 ITEM 13: CONSIDERATION OF STAFF
7 RECOMMENDATIONS ON THE ADEQUACY OF THE HOUSEHOLD
8 HAZARDOUS WASTE ELEMENT FOR THE CITY OF GARDENA,
9 LOS ANGELES COUNTY

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13 FACILITY ELEMENT FOR THE CITY OF SAN DIMAS, LOS
14 ANGELES COUNTY

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18 FACILITY ELEMENT FOR THE TOWN OF TRUCKEE, NEVADA
19 COUNTY

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24 OF LAKE FOREST, ORANGE COUNTY

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1 ITEM 17: CONSIDERATION OF STAFF
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4 OF SACRAMENTO

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9 BEACH, SAN DIEGO COUNTY

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APPROVED

22 SOURCE REDUCTION AND RECYCLING ELEMENTS

23

24

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23 PUBLIC TESTIMONY

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3 FRESNO COUNTY

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12 ROAD SANITARY LANDFILL, YUBA COUNTY

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14	STAFF PRESENTATION
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1 ITEM 30: CONSIDERATION OF A NEW STANDARDIZED
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6 PUBLIC TESTIMONY

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11 REVISED SOLID WASTE FACILITY PERMIT FOR THE
CITY

12 OF SANTA CRUZ CLASS III SANITARY LANDFILL,
SANTA

13 CRUZ COUNTY

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15 STAFF PRESENTATION

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16 PUBLIC TESTIMONY

17 COMMITTEE DISCUSSION

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18 ACTION

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2 REVISED SOLID WASTE FACILITY PERMIT FOR THE
3 INDEPENDENT TRUCKING COMPANY, INC. TRANSFER
4 STATION AND RECYCLING FACILITY, SAN JOAQUIN COUNTY

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1 SACRAMENTO, CALIFORNIA

2 WEDNESDAY, JANUARY 22, 1997

3 9:30 A.M.

4

5 CHAIRMAN PENNINGTON: GOOD MORNING AND

6 WELCOME TO THE JANUARY MEETING OF -- THE JANUARY

7 1997 MEETING OF THE CALIFORNIA INTEGRATED WASTE

8 MANAGEMENT BOARD. I MIGHT NOTE THAT IT'S THE

9 FIRST TIME WE'VE MET IN A LONG TIME THAT WE HAVE A

10 FULL COMPLEMENT. AND THEREFORE, IT'S MY PLEASURE

11 TO INTRODUCE OUR NEWEST BOARD MEMBER, MR. STEVEN

12 R. JONES, WHO JOINED THE BOARD ON THE 7TH OF

13 JANUARY. AND WE WELCOME HIM TO THE BOARD AND ARE

14 MIGHTY PLEASED TO HAVE A FULL COMPLEMENT.

15 WILL THE SECRETARY CALL THE ROLL,

16 PLEASE.

17 BOARD SECRETARY: BOARD MEMBER CHESBRO.

18 BOARD MEMBER CHESBRO: HERE. AND I'D

19 ALSO LIKE TO WELCOME MR. JONES.

20 BOARD SECRETARY: FRAZEE.

21 BOARD MEMBER FRAZEE: HERE.

22 BOARD SECRETARY: GOTCH.

23 BOARD MEMBER GOTCH: HERE.

24 BOARD SECRETARY: JONES.

25 BOARD MEMBER JONES: HERE.

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1 BOARD SECRETARY: RELIS.

2 BOARD MEMBER RELIS: HERE.

3 BOARD SECRETARY: CHAIRMAN PENNINGTON.

4 CHAIRMAN PENNINGTON: HERE. SO MANY

5 NAMES WE'LL GET LOST HERE.

6 DO ANY BOARD MEMBERS HAVE ANY EX
7 PARTE COMMUNICATIONS? I'LL START OVER HERE WITH
8 MR. RELIS.

9 BOARD MEMBER RELIS: MINE ARE ALL
10 UP-TO-DATE.

11 BOARD MEMBER FRAZEE: UP-TO-DATE.

12 CHAIRMAN PENNINGTON: I JUST HAVE ONE
13 WITH LARRY SWEETSER AND DENISE ON THE WESTERN
14 PLACER DISPOSAL PERMIT.

15 BOARD MEMBER JONES: MINE ARE UP-TO-DATE.

16 BOARD MEMBER GOTCH: AS ARE MINE.

17 BOARD MEMBER CHESBRO: SAME. DITTO.

18 CHAIRMAN PENNINGTON: VERY GOOD. VERY
19 GOOD.

20 THERE'S SPEAKER REQUEST FORMS IN THE
21 BACK OF THE ROOM. ANYBODY WHO WISHES TO ADDRESS
22 ANY ITEM BEFORE THE BOARD THIS MORNING OR THIS
23 AFTERNOON, PLEASE FILL OUT A SPEAKER SLIP AND GET
24 IT TO MS. KELLY HERE, AND WE WILL MAKE SURE THAT
25 YOU GET FORWARD.

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1 IF THERE ARE ANY ITEMS ON THE
2 CONSENT CALENDAR TO WHICH SOMEONE WOULD LIKE TO
3 SPEAK, THE REQUEST FORM MUST BE TO MS. KELLY
4 BEFORE WE TAKE UP THE CONSENT CALENDAR, WHICH WILL
5 BE QUICKLY.

6 I HAVE A FEW ANNOUNCEMENTS ABOUT THE
7 BOARD'S AGENDA. ITEMS 22 AND 36 HAVE BEEN PULLED
8 FROM TODAY'S AGENDA. ITEM 37 WILL BE TAKEN OUT OF
9 ORDER AND WILL BE HEARD FOLLOWING ITEM 5. ITEM 30
10 WILL FOLLOW ITEM 37. ARE WE OKAY ON THAT?

11 OKAY. WE'LL START THE BOARD
12 COMMITTEE REPORTS, STARTING WITH LEGISLATION AND
13 PUBLIC EDUCATION CHAIRED BY MRS. JANET GOTCH.

14 BOARD MEMBER GOTCH: THANK YOU, MR.
15 CHAIR. WITH THE LEGISLATION JUST BACK IN SESSION,
16 I HAVE NO COMMITTEE REPORT FOR THIS MONTH. WE DID
17 NOT MEET; HOWEVER, WE WILL HAVE A COMMITTEE REPORT
18 FOR NEXT MONTH.

19 CHAIRMAN PENNINGTON: THANK YOU. NEXT
20 WILL BE LOCAL ASSISTANCE AND PLANNING CHAIRED BY
21 WESLEY CHESBRO.

22 BOARD MEMBER CHESBRO: MR. CHAIRMAN, THE
23 COMMITTEE CONSIDERED 18 PLANNING DOCUMENTS, WHICH
24 REPRESENTED 17 LOCAL JURISDICTIONS. ALL OF THOSE
25 PLANS ARE ON THE CONSENT CALENDAR THIS MORNING.

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1 THE COMMITTEE CONSIDERED OPTIONS FOR GRANTING TIME
2 EXTENSIONS FOR JURISDICTIONS WITH BOARD APPROVED
3 SOURCE REDUCTION AND RECYCLING ELEMENTS AND
4 APPROVED A TIME EXTENSION FOR THE NEWLY CREATED
5 CITY OF LAKE FOREST, WHICH IS IN ORANGE COUNTY.
6 BOTH OF THOSE ITEMS ARE ON THE CONSENT.

7 ALTHOUGH, YOU KNOW, IF THERE'S ANY
8 QUESTIONS, I'D BE HAPPY -- I DID ASK STAFF TO
9 CHECK WITH THE LEAGUE OF CITIES AND CSAC AND RCRC,
10 REGIONAL COUNCIL OF RURAL CITIES, TO MAKE SURE
11 THAT THERE WEREN'T ANY ISSUES THAT HAD NOT COME UP
12 AT THE COMMITTEE. WE DIDN'T RECEIVE ANY
13 TESTIMONY.

14 COMMITTEE ALSO CONSIDERED CHANGES TO
15 USED OIL BLOCK GRANTS, WHICH WE WILL BE DISCUSSING
16 LATER.

17 IN WASTE PREVENTION NEWS, THE OFFICE
18 PAPER REDUCTION PROJECT ESTABLISHED A NEW AREA ON
19 THE BOARD'S INTERNET WEB SITE IN DECEMBER. NEW
20 OFFICE PAPER EFFORT PROVIDES BUSINESSES AND LOCAL
21 GOVERNMENTS TOOLS TO CREATE CAMPAIGNS, DEVELOP
22 OFFICE WASTE PREVENTION, RECYCLING, AND BUY
23 RECYCLED EFFORTS, AND THE MEANS TO ACCOUNT FOR THE
24 SAVINGS THAT THEY EXPERIENCE THROUGH THEIR
25 RESOURCE EFFICIENCY EFFORTS.

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1 IN THE AREA OF HOUSEHOLD HAZARDOUS
2 WASTE, THE STAFF FROM THE HOUSEHOLD HAZARDOUS
3 WASTE GRANT PROGRAM WILL BE ATTENDING THE
4 HOUSEHOLD HAZARDOUS WASTE INFORMATION EXCHANGE
5 CONFERENCE BEING HELD IN THE ASILIMAR CONFERENCE
6 CENTER ON FEBRUARY 6TH AND 7TH IN MONTEREY.

7 AND FINALLY, I WOULD LIKE TO COMMEND
8 THE EFFORTS OF THE IN-HOUSE WASTE PREVENTION
9 COMMITTEE AND IN PARTICULAR TERRY GORDON WHO HAVE
10 PROVIDED LEADERSHIP IN TERMS OF CHANGING STATEWIDE
11 POLICY WITH REGARDS TO THE ANNUAL ECONOMIC
12 INTEREST STATEMENTS THAT WE'RE ALL REQUIRED TO
13 FILE. THOSE CAN NOW BE FILED ELECTRONICALLY VIA
14 THE INTERNET.

15 AND YOU, I'M SURE, ALL KNOW, THOSE
16 OF YOU WHO HAVE FILLED THEM OUT, I THINK WE ALL
17 HAVE, KNOW THE AMOUNT PAPER THAT IS WASTED UNLESS
18 YOU HAVE A LOT OF INVESTMENTS AND A LOT OF THINGS
19 TO DECLARE, THERE'S A WHOLE LOT OF WASTED PAPER.
20 SO THAT PROCESS STANDS TO SAVE A SIGNIFICANT
21 AMOUNT OF PAPER THROUGHOUT STATE GOVERNMENT, NOT
22 JUST HERE AT THE WASTE BOARD. SO I WANTED TO SAY
23 THAT IT'S A VERY GOOD EXAMPLE OF THE KIND OF
24 LEADERSHIP THE BOARD AND BOARD STAFF ARE
25 PRESENTING IN TERMS OF CHANGING THE WAY WE UTILIZE

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1 AND CONSUME RESOURCES IN STATE GOVERNMENT. SO
2 THAT CONCLUDES MY REPORT.

3 CHAIRMAN PENNINGTON: THANK YOU, MR.
4 CHESBRO. NEXT WE HAVE THE PERMITTING AND
5 ENFORCEMENT COMMITTEE, MR. FRAZEE.

6 BOARD MEMBER FRAZEE: YES. MR. CHAIRMAN,
7 PERMITTING AND ENFORCEMENT COMMITTEE MET THIS
8 MONTH ON JANUARY 7TH. WE ARE RECOMMENDING FOR
9 CONSENT JUST THREE ITEMS TODAY: THE COMPLETE TIRE
10 RECYCLING TIRE PERMIT, UNITED WASTE RECYCLING AND
11 TRANSFER INCORPORATED, AND VALLEY TREE COMPANY
12 PERMIT.

13 THEN ON THE REGULAR AGENDA, AND THIS
14 WILL NEED A LITTLE WORK HERE, THE PERMIT ITEM FOR
15 THE WESTERN REGIONAL SANITARY LANDFILL, WHICH WAS
16 ORIGINALLY RECOMMENDED FOR CONSENT, I UNDERSTAND
17 THERE'S SOME INTEREST IN THAT, AND IT'S ONE OF
18 THOSE WE SHOULD PULL.

19 CHAIRMAN PENNINGTON: CORRECT.

20 BOARD MEMBER FRAZEE: AND CITY OF CLOVIS
21 LANDFILL, AND THEN I THINK YOU INDICATED OSTROM
22 ROAD LANDFILL, THE INTENT TO PULL THAT FROM
23 CONSIDERATION TODAY.

24 CHAIRMAN PENNINGTON: THAT'S WHAT I
25 UNDERSTAND.

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1 BOARD MEMBER FRAZEE: THEN ON THE REGULAR
2 AGENDA WAS THE CITY OF MODESTO'S CO-COMPOSTING
3 FACILITY, CITY OF SANTA CRUZ SANITARY LANDFILL,
4 AND THE INDEPENDENT TRUCKING COMPANY, INCORPORATED
5 TRANSFER AND RECYCLING CENTER IN STOCKTON.

6 THE COMMITTEE ALSO CONSIDERED A
7 NUMBER OF OTHER ITEMS. FIRST OF ALL, CONSIDERA-
8 TION OF THE BRACKETT TIRE SITE IN SAN LUIS OBISPO
9 COUNTY, THE SITE FOR ABATEMENT, UPDATE OF THE
10 SCHEDULED PLACEMENT OF OPERATIONS AND FACILITIES
11 INTO THE REGULATORY TIERS AND DEVELOPMENT OF
12 MINIMUM STANDARDS, THE LEA ADVISORY ENFORCEMENT
13 POLICY, AND ASH REGULATIONS.

14 AND PERHAPS A BIT OF DESCRIPTION ON
15 EACH ONE OF THESE. THE BRACKETT TIRE SITE WAS PUT
16 OFF AND WILL NOT BE BACK BEFORE P&E COMMITTEE
17 UNTIL CERTAIN LEGAL ISSUES INVOLVING THAT SITE ARE
18 CLEARED UP.

19 THE TIER SCHEDULE, THAT ONE WILL BE
20 BACK BEFORE THE COMMITTEE IN FEBRUARY OR MARCH.
21 THE ISSUE THERE IS LOOKING AT PRIORITIES ON WHICH
22 ITEMS SHOULD MOVE FIRST IN THE TIER SCHEDULE.

23 THE LEA ADVISORY POLICY WILL BE
24 HEARD IN FEBRUARY ALONG WITH SOME INPUT FROM THE
25 COMMITTEE ON THAT.

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1 AND FINALLY, THE ASH REGULATIONS ARE
2 ON HOLD FOR 90 DAYS IN ORDER THAT CDFA MAY HAVE AN
3 OPPORTUNITY TO REVIEW THOSE AND OFFER INPUT AND
4 PERHAPS DEVELOP COOPERATIVE REGULATIONS ON THE
5 LAND APPLICATION OF ASH.

6 FINALLY, THE COMMITTEE HELD A JOINT
7 MEETING WITH THE STATE WATER RESOURCES BOARD ON
8 THE ISSUE OF THE 1220 REGULATIONS. P&E COMMITTEE
9 APPROVED THE JOINT REGULATIONS AND FORWARDED THEM
10 TO THE FULL BOARD. THIS WILL BE THE TOPIC
11 TOMORROW -- THE JOINT MEETING TOMORROW AFTERNOON.

12 AND THEN FINALLY, I HAVE AN ISSUE
13 THAT NEEDS RESOLUTION BY THE BOARD. I DON'T KNOW
14 IF THIS IS AN APPROPRIATE TIME TO BRING IT UP OR
15 NOT. A QUESTION AROSE WHETHER IT IS APPROPRIATE
16 TO PLACE ON CONSENT PERMITS FOR WHICH THE BOARD IS
17 THE ENFORCEMENT AGENCY. WE HAVE NOT DONE THAT IN
18 THE PAST. WE'VE ALWAYS MOVED THOSE FORWARD. AND
19 SO I THINK IT WAS DETERMINED BY THE COMMITTEE THAT
20 IT WOULD BE APPROPRIATE FOR THE BOARD TO TAKE
21 ACTION IN ORDER TO ALLOW THAT. SO I DON'T KNOW IF
22 YOU WANT TO DISCUSS THAT ITEM NOW OR TAKE ACTION
23 ON IT, SCHEDULE IT AS AN AGENDA ITEM IN THE
24 FUTURE.

25 CHAIRMAN PENNINGTON: WELL, PERHAPS WE

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1 OUGHT TO SCHEDULE IT AS AN ITEM FOR A FUTURE BOARD
2 MEETING JUST SO THAT WE ALL HAVE TIME TO DISCUSS
3 IT. AND WHAT WOULD THE PLEASURE OF THE BOARD BE?
4 OKAY. SO WE'LL SCHEDULE THAT.

5 BOARD MEMBER FRAZEE: WE WILL CONTINUE,
6 THEN, ON THOSE ITEMS WHERE THE BOARD IS THE EA TO
7 NOT PUT THOSE ON CONSENT AND FORWARD THEM TO THE
8 FULL BOARD.

9 CHAIRMAN PENNINGTON: AND AT THE FEBRUARY
10 MEETING WE CAN AGENDIZE THE QUESTION.

11 BOARD MEMBER FRAZEE: THAT COMPLETES MY
12 REPORT.

13 CHAIRMAN PENNINGTON: THANK YOU, CHAIRMAN
14 FRAZEE. NEXT IS MARKET DEVELOPMENT COMMITTEE
15 CHAIRED BY MR. RELIS.

16 BOARD MEMBER RELIS: MR. CHAIR, THE
17 COMMITTEE HEARD ONE ITEM THIS MONTH, AND THAT
18 CONCERNED THE RECYCLED-CONTENT TRASH BAG
19 REGULATIONS RELATED TO THE PETITION FOR VARIANCE.
20 THIS ITEM IS ON THE CONSENT CALENDAR. THE
21 CONCERNS THAT HAD BEEN DISCUSSED IN COMMITTEE
22 APPEAR TO BE RESOLVED.

23 ALSO, I'D LIKE TO NOTE THAT WE WILL
24 HAVE A DAY-LONG WORKSHOP HERE ON FEBRUARY 5TH TO
25 DISCUSS THE POTENTIAL OPTIONS FOR CHANGES TO THE

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1 RECYCLING MARKET DEVELOPMENT ZONE LOAN PROGRAM.
2 AND THIS IS A VERY SIGNIFICANT MEETING BECAUSE WE
3 ARE PULLING MANY OF OUR EXPERTS TOGETHER AND THE
4 LOAN REVIEW COMMITTEE THAT THIS BOARD RELIES ON
5 VERY HEAVILY FOR EVALUATIONS ON THE SOUNDNESS OF
6 LOANS TO HELP US THINK THROUGH WHERE WE ARE WITH
7 THE LOAN PROGRAM AT THIS POINT IN TIME AND WHAT
8 CHANGES, IF ANY, WE SHOULD MAKE IN IT. THAT
9 COMPLETES MY REPORT.

10 CHAIRMAN PENNINGTON: THANK YOU, MR.
11 RELIS. MR. RELIS ALSO CHAIRED THE POLICY,
12 RESEARCH, AND TECHNICAL ASSISTANCE COMMITTEE.

13 BOARD MEMBER RELIS: THIS WILL BE MY LAST
14 REPORT AS THE POLICY COMMITTEE CHAIR. AND I'M
15 GLAD THAT THIS WILL BE NOW STEVE JONES' RESPONSIBI-
16 LITY AS CHAIR OF THAT COMMITTEE, IF WE VOTE
17 LATER, AS I ASSUME WE WILL, THE COMMITTEE
18 ASSIGNMENTS.

19 FIRST, WE RECEIVED AN UPDATE ON THE
20 CONTRACT FOR CIVIL ENGINEERING APPLICATIONS FOR
21 WASTE TIRES. THE COMMITTEE DIRECTED STAFF TO
22 CONTACT AGENCIES SUCH AS CALTRANS, THE BUREAU OF
23 RECLAMATION, THE CORPS OF ENGINEERS, AND THE
24 DEPARTMENT OF WATER RESOURCES ABOUT THE FEASIBI-
25 LITY OF USING TIRES IN CIVIL ENGINEERING APPLICA-

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1 TIONS, PARTICULARLY, AS MS. GOTCH BROUGHT UP, IN
2 REPAIRING LEVEES TO SEE IF THAT'S POSSIBLE AND TO
3 REPORT BACK TO THE BOARD AS SOON AS POSSIBLE.

4 COMMITTEE ALSO DIRECTED STAFF TO
5 CONTACT THE SCRAP TIRE MANAGEMENT COUNCIL
6 REGARDING THE USE OF TIRES IN LEVEES TO SEE IF
7 THERE WAS EXPERIENCE ELSEWHERE IN THE COUNTRY ON
8 THIS, PARTICULARLY THE MIDWEST WHERE THEY HAVE THE
9 FLOODING. AND IT DIRECTED STAFF TO WORK WITH
10 GEOSYNTEC, OUR CONTRACTOR, TO OBTAIN INFORMATION
11 ON THE USE OF TIRES IN EARTHQUAKE RETROFITTING.

12 SECONDLY, THE COMMITTEE RECOMMENDED
13 APPROVAL OF THE INTEGRATED WASTE MANAGEMENT
14 DISASTER PLAN. THIS ITEM ISN'T ON CONSENT BECAUSE
15 THE COMMITTEE FELT THE ENTIRE BOARD SHOULD BE
16 AWARE OF THIS VERY SIGNIFICANT PLAN AND THE
17 POTENTIAL TO BETTER COORDINATE WITH OES AND FEMA
18 TO MAKE DIVERSION AN INTEGRAL PART OF DISASTER
19 PREPARATIONS IN CALIFORNIA.

20 FINALLY, THE COMMITTEE CONSIDERED
21 RECOMMENDATIONS ON STRATEGIES TO ASSIST LOCAL
22 GOVERNMENTS IN PLANNING FOR ADEQUATE LANDFILL
23 CAPACITY. THAT COMPLETES THE POLICY REPORT.

24 CHAIRMAN PENNINGTON: THANK YOU, MR.
25 RELIS. THE FINAL COMMITTEE IS THE ADMIN

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1 COMMITTEE, ADMINISTRATION COMMITTEE, WHICH I
2 CHAIR.

3 BEFORE I GIVE THAT REPORT, I WOULD
4 LIKE TO CLARIFY, ITEM 29 HAS NOT ACTUALLY BEEN
5 PULLED FROM THE AGENDA; HOWEVER, I UNDERSTAND THAT
6 THE OPERATOR WILL HAVE A STATEMENT SO ASKED TO
7 STAY ON THE AGENDA FOR THEM TO MAKE THE STATEMENT.

8 THE ADMINISTRATION COMMITTEE MET ON
9 JANUARY THE 8TH AND CONSIDERED TWO ITEMS. THE
10 FIRST ITEM FOR CONSIDERATION BY THE COMMITTEE WAS
11 THE APPROVAL AND AWARD OF THE '96-'97 FISCAL YEAR
12 WASTE REDUCTION AWARD PROGRAM. THE CONTRACT WAS
13 AWARDED TO THE LOCAL GOVERNMENT COMMISSION FOR AN
14 AMOUNT LESS THAN THE 55,000 ALLOCATED BY THE BOARD
15 LAST MAY.

16 SECOND ITEM CONSIDERED BY THE
17 ADMINISTRATION COMMITTEE WAS THE COMMITTEE
18 ASSIGNMENTS. IT COMES TO THE BOARD ON A THREE-OH
19 VOTE AND WILL BE BEFORE US TODAY FOR CONSIDERATION
20 BY THE FULL BOARD. THAT COMPLETES MY REPORT.

21 MR. CHANDLER, YOUR REPORT, PLEASE.

22 MR. CHANDLER: THANK YOU, MR. CHAIRMAN.

23 GOOD MORNING. MR. RELIS, I THINK, SPOKE
24 APPROPRIATELY ON THE FIRST ITEM I WAS GOING TO
25 SPEAK TO THIS MORNING. AND THAT'S JUST TO REMIND

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1 EVERYBODY IN THE AUDIENCE AND BOARD MEMBERS OF THE
2 UPCOMING LOAN WORKSHOP HERE AT THE BOARD FEBRUARY
3 5TH FROM 9 A.M. TO 4 P.M.

4 IN THE AREA OF ANNOUNCEMENTS, I
5 THINK IT IS IMPORTANT FOR THOSE IN THE AUDIENCE TO
6 BE REMINDED OF A COUPLE OF OTHER ITEMS THAT ARE
7 BEING HEARD. AS YOU KNOW, OUR BOARD MEETING IS
8 NOTICED FOR TWO DAYS, AND THERE'S A COUPLE OF
9 ITEMS THAT ARE GOING TO BE DISCUSSED TOMORROW.
10 LET ME SPEAK TO THOSE VERY BRIEFLY.

11 OF COURSE, THE FIRST IS
12 CONSIDERATION OF RECOMMENDATIONS ON THE CALIFORNIA
13 INTEGRATED WASTE MANAGEMENT BOARD'S INITIATIVE TO
14 DEVELOP STRATEGIES AND TO MEET THE 50-PERCENT
15 DIVERSION MANDATE. THAT WILL BE HEARD IN THIS
16 ROOM TOMORROW AT 9 A.M. AND THEN, OF COURSE, A
17 REMINDER AGAIN FOR THOSE IN THE AUDIENCE THAT
18 THERE WILL BE A JOINT MEETING OF OUR BOARD AND
19 THE

20 WATER RESOURCES CONTROL BOARD ON THE REGULATIONS
21 TO IMPLEMENT ASSEMBLY BILL 1220 WHICH STREAMLINES
22 AND ELIMINATES OVERLAP BETWEEN OUR TWO PROGRAMS.

23 AND IN THAT REGARD, THAT MEETING
24 WILL BE HELD DOWNTOWN AT 1516 9TH STREET, WHICH
25 IS
26 THE ENERGY COMMISSION BUILDING, HEARING ROOM A,

25 AND THAT WILL BEGIN AT 2 P.M.

26

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1 MY FINAL ITEM FOR TODAY IS A
2 PRESENTATION TO THE BOARD AND TO TWO BOARD STAFF
3 MEMBERS ON BEHALF OF THE CITY OF PERRIS. AS YOU
4 KNOW MEMBERS, OUR OUT-OF-STATE TRAVEL BUDGET DOES
5 NOT ALLOW ANYTHING TO FRANCE. I'M TALKING ABOUT
6 THE CITY OF PERRIS HERE IN CALIFORNIA. WE'VE
7 RECENTLY COMPLETED A TIRE PILE CLEANUP OF 50,000
8 TIRES, A MAJOR TIRE PILE SITUATION IN THEIR CITY.
9 PERRIS CITY COUNCIL APPROVED THESE CERTIFICATES OF
10 RECOGNITION AT THEIR MEETING LAST WEEK TO ACKNOW-
11 LEDGE BOARD STAFF AND OUR STAFF FOR OUR SUPPORT OF
12 THIS CLEANUP EFFORT.

13 SO IF I COULD MOVE TO THE PODIUM,
14 I'D FIRST LIKE TO CALL ON BRAD WILLIAMS. BRAD,
15 COULD YOU STEP FORWARD. BRAD'S ROLE IN THIS
16 CLEANUP EFFORT WAS TO HANDLE THE ENFORCEMENT
17 PROCESS FOR THIS TIRE SITE AND CLEAR THE WAY FOR
18 OUR REMEDIATION EFFORTS. SO, BRAD, I WANT -- IF I
19 CAN MANAGE ALL THESE AT ONE TIME -- JUST TURN TO
20 YOU AND SAY ON BEHALF OF THE BOARD, THE STAFF, AND
21 CERTAINLY THE CITY OF PERRIS CONGRATULATIONS FOR
22 THIS RECOGNITION.

23 GALE REHBERG.

24 (APPLAUSE.)

25 MR. CHANDLER: GALE'S ROLE, AGAIN FROM

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1 OUR PERMITTING AND ENFORCEMENT DIVISION, WAS TO
2 PERSONALLY ATTEND AND OVERSEE THE ACTUAL CLEANUP
3 WORK AT THE PILE. SO, GALE, AGAIN ON BEHALF OF
4 THE BOARD, THE STAFF, AND CITY OF PERRIS,
5 CONGRATULATIONS FOR A JOB WELL DONE.

6 (APPLAUSE.)

7 MR. CHANDLER: LAST BUT NOT LEAST, I HAVE
8 A CERTIFICATE TO THE WHOLE BOARD WHICH I'D LIKE TO
9 PRESENT TO YOU, MR. CHAIRMAN, THAT ACKNOWLEDGES
10 THIS ORGANIZATION'S WORK TO REMEDIATE THIS
11 IMPORTANT SITE. AND BEFORE I HAND YOU THE
12 CERTIFICATE, I WANT YOU TO ALL KNOW THAT THE TIRE
13 PROGRAM STAFF ARE PLANNING TO COME FORWARD IN THE
14 FUTURE WITH ANOTHER ROUND OF PROPOSED TIRE PILE
15 CLEANUP SITES AS WELL AS AN UPDATE FOR THE BOARD
16 ON THE STATUS OF OUR OVERALL TIRE PILE CLEANUP
17 EFFORTS AND ENFORCEMENT EFFORTS. MR. CHAIRMAN.

18 CHAIRMAN PENNINGTON: I'M HAPPY TO ACCEPT
19 THIS ON BEHALF OF THE FULL BOARD, AND I WANT TO
20 THANK BRAD AND GALE FOR A JOB WELL DONE AND
21 FOR
22 MAKING US ALL LOOK GOOD. THANK YOU.

23 MR. CHANDLER: MR. CHAIRMAN AND BOARD
24 MEMBERS, THAT CONCLUDES MY REPORT.

25 CHAIRMAN PENNINGTON: THANK YOU, MR.
26 CHANDLER. AND YOU SURPRISED ME.

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1 OKAY. NOW, WE'LL MOVE ON TO THE
2 CONSIDERATION OF THE CONSENT AGENDA. CONSENT
3 CALENDAR INCLUDES ITEMS 4, 6 THROUGH 21, AND 24
4 THROUGH 26. 27 GOT PULLED. OKAY. SO IT'S 4, 6
5 THROUGH 21 AND 22 THROUGH 27. I THINK I'M
6 CONFUSED HERE. THROUGH 26. I WAS RIGHT THE FIRST
7 TIME. DID I THOROUGHLY CONFUSE EVERYONE? I
8 APOLOGIZE. THE CONSENT CALENDAR INCLUDES ITEMS 4,
9 6 THROUGH 21, AND 24 THROUGH 26. 27 IS PULLED
10 FROM THE CONSENT CALENDAR.

11 BOARD MEMBER FRAZEE: I'LL MOVE ADOPTION
12 OF THE CONSENT CALENDAR.

13 BOARD MEMBER GOTCH: SECOND.

14 CHAIRMAN PENNINGTON: NO FURTHER
15 DISCUSSION, WILL THE SECRETARY CALL THE ROLL,
16 PLEASE.

17 BOARD SECRETARY: BOARD MEMBER CHESBRO.

18 BOARD MEMBER CHESBRO: AYE.

19 BOARD SECRETARY: FRAZEE.

20 BOARD MEMBER FRAZEE: AYE.

21 BOARD SECRETARY: GOTCH.

22 BOARD MEMBER GOTCH: AYE.

23 BOARD SECRETARY: JONES.

24 BOARD MEMBER JONES: AYE.

25 BOARD SECRETARY: RELIS.

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1 BOARD MEMBER RELIS: AYE.

2 CHAIRMAN PENNINGTON: AYE. CONSENT

3 CALENDAR CARRIES.

4 AS WE HAVE A REQUEST FROM THE PUBLIC
5 TO GIVE TESTIMONY ON ITEM 27, IT WILL -- WAS TAKEN
6 OFF THE CONSENT CALENDAR, SO REVISED PERMIT FOR
7 WESTERN REGIONAL SANITARY LANDFILL IN PLACER
8 COUNTY. AND WE HAVE BARBARA SCHUSSMAN. WOULD YOU
9 CARE TO ADDRESS THE BOARD ON THIS MATTER?

10 MS. SCHUSSMAN: GOOD MORNING. THE BOARD
11 SHOULD HAVE RECEIVED WRITTEN COMMENTS THAT PLACER
12 RANCH INCORPORATED SUBMITTED ON THIS MATTER.

13 CHAIRMAN PENNINGTON: I'M SORRY. I GOT
14 THROWN OFF HERE A LITTLE BIT. MAYBE I SHOULD WAIT
15 AND LET THE STAFF PRESENT THIS FIRST. OKAY. I'M
16 SORRY. I'VE KIND OF GOTTEN OFF MY TRACK HERE THIS
17 MORNING.

18 THE NEXT ITEM TO COME UP, STARTING
19 WITH ITEM NO. 5, AND THAT'S CONSIDERATION OF THE
20 BOARD COMMITTEE ASSIGNMENTS. AND THE COMMITTEE
21 ASSIGNMENTS ARE IN YOUR COMMITTEE BOOK, BUT I WILL
22 QUICKLY READ THEM.

23 THE ADMINISTRATION COMMITTEE:

24 MYSELF AS CHAIR, MRS. GOTCH AND MR. JONES; MARKET
25 DEVELOPMENT COMMITTEE: CHAIRED BY MR. RELIS, MR.

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1 CHESBRO AND MYSELF; LEGISLATION AND PUBLIC
2 EDUCATION COMMITTEE: JANET GOTCH CHAIR, WITH MR.
3 CHESBRO AND MR. FRAZEE; LOCAL ASSISTANCE AND
4 PLANNING COMMITTEE: MR. CHESBRO CHAIR, MR. FRAZEE
5 AND MRS. GOTCH; POLICY, RESEARCH, AND TECHNICAL
6 ASSISTANCE COMMITTEE: MR. JONES CHAIR, MR. RELIS
7 AND MYSELF; PERMITTING AND ENFORCEMENT COMMITTEE:
8 MR. FRAZEE CHAIR, MR. JONES, AND MR. RELIS.

9 BOARD MEMBER CHESBRO: I'LL MOVE IT.

10 BOARD MEMBER RELIS: SECOND.

11 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND
12 SECONDED. IF THERE'S NO FURTHER DISCUSSION, WILL
13 THE SECRETARY CALL THE ROLL, PLEASE.

14 BOARD SECRETARY: BOARD MEMBER CHESBRO.

15 BOARD MEMBER CHESBRO: AYE.

16 BOARD SECRETARY: FRAZEE.

17 BOARD MEMBER FRAZEE: AYE.

18 BOARD SECRETARY: GOTCH.

19 BOARD MEMBER GOTCH: AYE.

20 BOARD SECRETARY: JONES.

21 BOARD MEMBER JONES: AYE.

22 BOARD SECRETARY: RELIS.

23 BOARD MEMBER RELIS: AYE.

24 BOARD SECRETARY: CHAIRMAN PENNINGTON.

25 CHAIRMAN PENNINGTON: AYE.

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1 OKAY. THE NEXT ITEM IS ITEM 37,
2 CONSIDERATION OF THE 1995 RIGID PLASTIC PACKAGING
3 CONTAINER ALL-CONTAINER RECYCLING RATE. THE 1995
4 RIGID PLASTIC PACKAGING ALL-CONTAINER RECYCLING
5 METHODOLOGY HAS BEEN UNDER CONSIDERATION AT THE
6 BOARD FOR A SUBSTANTIAL PERIOD OF TIME. IN JULY
7 AND AGAIN IN SEPTEMBER 1996 THE FULL BOARD
8 CONSIDERED THIS MATTER. IN JULY THE ISSUE WAS
9 RETURNED TO THE STAFF, AND IN SEPTEMBER THE BOARD
10 COULD NOT REACH AN AGREEMENT.

11 SINCE THESE PRIOR ACTIONS, A NEW
12 BOARD MEMBER HAS BEEN APPOINTED TO THE BOARD, MR.
13 STEVE JONES.

14 STEVE, HAVE YOU HAD AN OPPORTUNITY
15 TO REVIEW ALL THE MATERIAL ON THIS ISSUE AND BE
16 PROPERLY BRIEFED SO WE CAN GO AHEAD AND DISPENSE
17 WITH THE STAFF? IF YOU WISH TO HEAR FROM THE
18 STAFF, WE CAN DO THAT TOO.

19 BOARD MEMBER JONES: NO, MR. CHAIRMAN,
20 I'VE BEEN BRIEFED BY STAFF. I'VE BEEN BRIEFED
21 BY -- IT'S BEEN AN ONGOING ISSUE WITH THE CRRC,
22 WHICH IS THE ASSOCIATION OF CALIFORNIA REFUSE
23 REMOVAL COUNCIL. SO I'M VERY FAMILIAR. STAFF
24 CAME AND MADE A PRESENTATION, SO I'M PREPARED
25 TO
VOTE ON IT.

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1 CHAIRMAN PENNINGTON: OKAY. THEN I'M
2 GOING TO MOVE THAT THE BOARD ADOPT RESOLUTION
3 97-41, WHICH INCLUDES THE ADOPTION OF THE 1995
4 ALL-CONTAINER RECYCLING RATE WITH A RANGE OF 23.3
5 TO 25.9.

6 BOARD MEMBER FRAZEE: SECOND THAT.

7 CHAIRMAN PENNINGTON: THANK YOU.

8 BOARD MEMBER GOTCH: MR. CHAIR, I HAVE
9 SOME COMMENT. I HAVE NO REASON TO FEEL ANY MORE
10 POSITIVE ABOUT THE '95 RPPC RATE NOW THAN I DID IN
11 SEPTEMBER WHEN THE FIVE-MEMBER BOARD VOTED ON THE
12 SAME THE ISSUE. THE APC STILL HAS MADE NO GOOD
13 FAITH EFFORTS TO PROVE TO THE BOARD OR TO THE
14 INDUSTRY AND RECYCLERS THAT THEY'RE INTENT IS
15 INCREASING THE STATE'S RPPC RECYCLING RATE.

16 WHEN THIS ISSUE WAS INITIALLY
17 DISCUSSED, WE WERE LOOKING AT A SPECIFIC RATE, AND
18 THE APC REPRESENTATIVES WERE NOT INTERESTED IN A
19 RANGE. NOW THAT THE BOARD STAFF HAS RECALCULATED
20 OR ADJUSTED THE RANGE -- THE RATE TO 24.6 PERCENT,
21 UNDER THE 25 PERCENT REQUIRED BY LAW, APC IS OKAY
22 WITH THE RANGE.

23 A CLEAR SIGNAL NEEDS TO BE SENT FROM
24 THIS BOARD THAT WE ARE COMMITTED TO PLASTICS
25 RECYCLING. SO I MAKE A SUBSTITUTE MOTION THAT WE

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1 APPROVE THE ADJUSTED '95 RPPC RECYCLING RATE OF
2 24.6 PERCENT.

3 BOARD MEMBER CHESBRO: I'LL SECOND THAT
4 MOTION.

5 CHAIRMAN PENNINGTON: OKAY. WE HAVE A
6 SUBSTITUTE MOTION WHICH TAKES PRECEDENT. ANY
7 FURTHER DISCUSSION?

8 BOARD MEMBER CHESBRO: MY ONLY CONCERN IS
9 I KNOW WE PROBABLY JUMPED AHEAD FROM THE FIRST A
10 LITTLE BIT TOO QUICKLY. I SEE MR. SHEDD CAME
11 FORWARD AND I PRESUME HE WANTS TO ADDRESS THE
12 BOARD. I KNOW NORMALLY UNDER ROBERT'S RULES A
13 SUBSTITUTE MOTION MOVES FORWARD WITHOUT DEBATE.
14 BUT SINCE NORMALLY WE WOULD HAVE CALLED ON HIM
15 FIRST AND I THINK IT WAS AN OVERSIGHT, I THINK WE
16 PROBABLY OUGHT TO HEAR FROM HIM.

17 CHAIRMAN PENNINGTON: THAT'S FINE. I
18 JUST GOT HIS PAPER HERE. SO MR. SHEDD. MR.
19 SHEDD. I'VE KIND OF GOTTEN US ALL BUNGLED UP
20 HERE

21 THIS MORNING, SO I'M TRYING TO GET US UNTIED.
22 WE'RE TAKING UP A MOTION, TO JUST BRING YOU
23 UP, TO

24 ADOPT RESOLUTION NO. 97-41, WHICH I THINK
25 YOU'VE

26 SEEN, AND A SUBSTITUTE MOTION BY MRS. GOTCH ON

24 THIS WHOLE ISSUE. SO WE HAVE A SLIP FROM YOU
THAT
25 YOU WOULD LIKE TO ADDRESS THIS WHOLE ISSUE.
SO

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1 PERHAPS THIS WOULD BE A GOOD TIME, IF THIS IS
2 CONVENIENT FOR YOU.

3 MR. SHEDD: THE WEATHER WAS NOT GREAT
4 THIS MORNING.

5 CHAIRMAN PENNINGTON: I CERTAINLY
DON'T

6 ENVY YOU FLYING UP HERE.

7 MR. SHEDD: I MADE IT. I HOPE YOU'RE
AS

8 GLAD TO SEE ME AS I AM TO BE HERE.

9 I'M JOHN SHEDD, THE OWNER OF
TALCO

10 PLASTICS, MEMBER OF THE RRAC, AND ON THE
EXECUTIVE

11 COMMITTEE OF THE ASSOCIATION OF PLASTIC
RECYCLERS,

12 POSTCONSUMER. THEY REPRESENT 95 PERCENT OF
THE

13 IN-PLACE PLASTIC RECYCLING BUSINESS IN THE
COUNTRY

14 TODAY.

15 WE STARTED OUT AS A TRASH
HAULING

16 COMPANY, ONE TRUCK, AND THE COMPANY HAS NOW
GROWN

17 TO A HUNDRED FIFTY PEOPLE. WE HAVE BECOME

18 STRICTLY A PLASTIC RECYCLER. WITH A HUNDRED
FIFTY
19 PEOPLE, WE'RE THE LARGEST PLASTIC RECYCLING
20 COMPANY IN THE WEST. THIS GIVES YOU SOME IDEA
OF
21 THE FRAGILE FRAGILITY OF THE RECYCLING
INDUSTRY
22 AND THE FRAGMENTATION OF THE INDUSTRY. SO
THERE'S
23 NOBODY THAT CAN REALLY SPEAK OUT FOR US, AND
I'M
24 TRYING TO DO THAT. AND I'LL CONTINUE TO TRY
TO DO
25 THAT; WHEREAS, THE OPPOSITION, AND I DO CALL
IT

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1 OPPOSITION, BECAUSE THEY DO OPPOSE WHAT WE'RE
2 TRYING TO DO, IS COMPOSED OF MAJOR INTERESTS,
3 MAJOR COMPANIES.

4 THEY -- THESE INTERESTS ACTUALLY
5 PROPOSED THE COMPLETE REPEAL OF THE PLASTIC
6 RECYCLING RIGID CONTAINER LAW THIS PAST YEAR.

7 LUCKILY, WITH THE HELP OF SOME WASTE HAULERS AND
8 SOME ENVIRONMENTALISTS AND A COUPLE OF US WHO ARE
9 IN THE RECYCLING BUSINESS TRYING TO MAKE A LIVING
10 OUT OF IT, TRYING TO DO WHAT WE THINK IS RIGHT,
WE

11 WERE ABLE TO DEFEAT THAT LAW, THAT BILL.

12 IT WAS MODIFIED. IT WAS MODIFIED
SO

13 THAT FOOD AND DRUG ITEMS WERE EXCLUDED. THAT
14 WASN'T A GREAT HARDSHIP ON THE RECYCLING
INDUSTRY.

15 BUT I'LL TELL YOU IT WOULD HAVE BEEN A TERRIFIC
16 BLOW TO THE RECYCLING INDUSTRY HAD THE BILL
PASSED

17 THAT WAS BEING SPONSORED BY THESE SAME MAJOR
18 INTERESTS THAT ARE ON THE RRAC, WHICH IS THIS
19 RECYCLING COMMITTEE. THEY'VE GOT THEIR POSITION;
20 I HAVE MY POSITION.

21 NINETY PERCENT OF ALL THE RIGID
22 CONTAINERS THAT I TAKE BACK AND RECYCLE GOES

RIGHT

23 BACK INTO MAKING BOTTLES. THAT WOULD NOT BE
24 REQUIRED IF THIS LAW HAD PASSED. CAN YOU IMAGINE
25 WHAT WOULD HAPPEN IF 90 PERCENT OF MY MARKET

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1 DISAPPEARED? WHERE WOULD THE MRF'S BE? WHERE
2 WOULD THE SMALL HAULERS BE? WHERE WOULD THEY GO
3 TO SELL THEIR MATERIAL? THEY COULD GO EXPORT IF
4 THE EXPORT MARKET IS GOOD AND IF THEY'LL TAKE IT.

5 I'D LIKE TO REVIEW A COUPLE OF ITEMS
6 FOR THE BENEFIT OF THE NEW BOARD MEMBER AND AS A
7 REFRESHER TO THE REGULAR BOARD MEMBERS. THE
8 METHODOLOGY THAT WE CHOSE FOR COUNTING WASTE
9 GENERATION WAS A NEW METHODOLOGY. IT HAD BEEN
10 USED ONCE BEFORE IN THE STATE OF OREGON. SOME OF
11 US DIDN'T APPROVE IT. BUT IT WAS SELECTED BY THE
12 COMMITTEE WITH A CAVEAT THAT THERE WOULD BE A
13 BENCHMARK SELECTED AT THE END OF THE -- AT THE
14 TIME THE FIGURES BECAME AVAILABLE. THIS FIGURE
15 WOULD BE BENCHMARKED AGAINST WHAT HAD BEEN
16 HERETOFORE THE RECYCLING STANDARD FOR THE INDUSTRY
17 WHICH WAS RESIN SALES.

18 THE MEETINGS OF THE RRAC WERE
19 ORCHESTRATED IN SUCH A WAY THAT THE GENERATION
20 FIGURE DID NOT APPEAR UNTIL THE VERY LAST MINUTE
21 OF THE VERY LAST MEETING, AND WE HAD NO TIME TO
22 DISCUSS IT. I TAKE EXCEPTION TO ONE OF THE THINGS
23 THAT'S SAID HERE IN THE STAFF REPORT. IT SAYS
24 VARIOUS BENCHMARKS, USING A WIDE VARIETY OF
25 ALTERNATIVE METHODS, DATA, AND COMPARISON, SHOWED

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1 THE POUNDS OF RIGID PLASTIC RECYCLED AND DISPOSED,
2 AS DETERMINED DURING THE CASCADIA STUDY, ARE
3 WITHIN THE BALLPARKS OF ALL OF THESE BENCHMARKS.
4 THAT'S NOT TRUE.

5 NOW WE'RE FACED WITH, I BELIEVE,
6 THREE OPTIONS THAT THE BOARD CAN TAKE. ONE IS
7 THEY CAN DO NOTHING UNTIL WE CAN COME UP WITH A
8 RATE FOR THE NEXT YEAR. NO. 2, THEY CAN SELECT
9 THE SPECIFIC RATE THAT THE CASCADIA STUDY CAME
OUT

10 WITH, WHICH WAS THEN ADJUSTED BY THE STAFF
BECAUSE

11 THERE WERE OMISSIONS, AND THIS WOULD COME AS
CLOSE

12 TO THE TRUEST RATE THAT THE STAFF COULD HAVE
COME

13 UP WITH, AND THAT'S THEIR JOB, AND THAT'S THE
JOB

14 OF THE BOARD, TO COME UP WITH A RATE. THAT RATE
15 WAS 24.6 PERCENT.

16 THE THIRD OPTION THAT THE BOARD
CAN

17 TAKE IS TO ADJUST OR IS TO SELECT A RANGE. AND
18 THE RANGE THAT'S BEING SELECTED IS WITH A
CAVEAT,

19 AND THE CAVEAT SAYS THAT EVEN THOUGH THIS RANGE
IS
20 23.9 OR 23 -- I GUESS IT'S 23.9 TO 25.9, THAT
THE
21 MANUFACTURERS WOULD BE IN COMPLIANCE AND NOT BE
22 REQUIRED TO USE POSTCONSUMER PLASTIC BACK INTO
23 THEIR RIGID CONTAINERS.
24 WELL, I DON'T -- TO ME THAT DEFIES
25 LOGIC. HOW CAN A RANGE -- IF A RANGE IS
SELECTED,

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1 AND I HOPE IT'S NOT, BUT IF A RANGE IS SELECTED
2 AND THE RANGE IS 23.9 TO 25.9, THEN WHY WOULD
THE

3 MANUFACTURERS BE IN COMPLIANCE? WHY WOULDN'T
THEY

4 BE OUT OF COMPLIANCE? 23.9 IS OUT OF
COMPLIANCE.

5 24.6, THE RATE THAT WAS SELECTED BY THE STAFF,
IS

6 OUT OF COMPLIANCE. WHY IS IT IN COMPLIANCE IF
THE

7 TOP RANGE OF THE RANGE IS 25.9? I CAN'T -- TO
ME

8 THAT DEFIES LOGIC. IT'S AGAINST RECYCLING.
IT'S

9 AGAINST MARKET DEVELOPMENT. NO WAY THE BOARD
10 SHOULD SELECT A RANGE.

11 I MEAN YOU'VE GOT A DUTY TO
SUPPORT

12 RECYCLING. YOU PASSED A LAW, AB 959. A FEW OF
US

13 STEPPED UP TO THE MARK, AND NOW WE'RE VOTING ON
14 WHETHER TO SELECT SOMETHING THAT JUST DOESN'T
MAKE

15 COMMON SENSE OR AT LEAST IT DOESN'T MAKE COMMON

16 SENSE IF YOU PERMIT THIS CAVEAT TO SAY THAT
PEOPLE
17 ARE IN COMPLIANCE BY BEING OUTSIDE THE RANGE.
18 I WOULD ALSO LIKE TO TAKE A MOMENT
19 JUST TO GIVE YOU MY VIEW ON THIS RESOLUTION
WHICH
20 SUPPORTED THE RANGE. AND THERE'S ONE ITEM THERE
21 THAT I FEEL IS -- I FEEL LIKE RESIGNING FROM THE
22 RRAC, BUT I WON'T. THIS IS SOMETHING TO ME THAT
23 IS TAKING THE DUTIES OF THE RRAC AWAY FROM US.
BE
24 IT FURTHER RESOLVED THAT THE 1995 ALL-CONTAINER
25 RECYCLING RATE METHODOLOGY BE USED, IN OTHER

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1 WORDS, THE SAME METHODOLOGY WE'RE TRYING TO TALK
2 ABOUT RIGHT NOW, THAT IT BE USED AS A BASIS FOR
3 DETERMINING ADJUSTMENT FACTORS FOR FUTURE YEARS.

4 WELL, THE RRAC IS TRYING TO FIGURE
5 OUT WHAT THE METHODOLOGY SHOULD BE FOR THIS NEXT
6 YEAR, REALIZING THAT WE HAD ALL KINDS OF TROUBLES
7 LAST YEAR. SOME PEOPLE THINK THAT THE METHODOLOGY
8 WAS PURE. OTHERS THINK IT WAS FULL OF FALLACIES.
9 SOME PEOPLE THINK THAT IT WAS PRETTY GOOD, BUT
10 NEEDED A FEW CHANGES. WE'RE APPOINTED AS A
11 COMMITTEE OF ALL THE VARIOUS INTERESTS. THE
12 PEOPLE THAT KNOW MOST ABOUT RECYCLING ARE
13 REPRESENTED BY THE PEOPLE THAT ARE ON THE
14 COMMITTEE.

15 I'LL TELL YOU EVERY DAY I WORK WITH
16 IT. I DON'T KNOW HOW MANY PEOPLE IN THE ROOM
HERE

17 OR IF THERE'S ANYBODY EVEN ON THE COMMITTEE THAT
18 CAN SAY THAT, BUT I'LL TELL YOU I'M IN THERE AT A
19 GUT LEVEL EVERY DAY WORKING ON IT. AND WE SHOULD
20 BE THE ONES THAT SELECT WHAT THE METHODOLOGY
21 SHOULD BE. I DON'T THINK THAT THE BOARD SHOULD
DO
22 THAT. AND IF THEY DO, THEN THEY SHOULDN'T HAVE -

-

23 ALREADY THE COMMITTEE HAS BEEN TOLD THAT WE'RE --
24 OUR MOST IMPORTANT JOB, OUR FIRST JOB, OUR FIRST
25 PRIORITY IS TO SELECT THE METHODOLOGY.

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1 WELL, I DON'T KNOW THAT WE CAN TELL
2 THE BOARD HOW TO VOTE, BUT I'D BE HAPPY TO IF YOU
3 ASKED ME.

4 BOARD MEMBER CHESBRO: YOU'VE GIVEN US A
5 PRETTY CLEAR IDEA WITHOUT SAYING IT EXPLICITLY.

6 MR. SHEDD: DID IT COME THROUGH? THEN
7 IT'S BEEN WORTHWHILE COMING UP HERE. I WILL KEEP
8 COMING UP HERE EVEN IN BAD WEATHER BECAUSE I'VE
9 GOT A MISSION.

10 MY MISSION -- WELL, PERSONALLY,
11 ECONOMICALLY I SHOULD JUST BOW OUT OF THE
12 RECYCLING POSTCONSUMER PLASTIC. I'LL TELL YOU,
13 IT'S A TOUGH BUSINESS. I HAVE YET TO MAKE MY
14 FIRST DOLLAR IN IT. IF I DIDN'T HAVE THE REST OF
15 MY COMPANY SUPPORTING IT, I WOULDN'T BE ABLE TO
16 HANG IN THERE. BUT SOCIALLY AND AS A PERSON, I'M
17 GOING TO CONTINUE THE RECYCLING EFFORT IN
18 PLASTICS, AND I'M GOING TO BE DOING IT FOR YOUR
19 CHILDREN, AND I'M GOING TO BE DOING IT FOR THE
20 MAJOR INDUSTRIES THAT SEEMINGLY ARE AGAINST IT.

21 THEY CREATE ALL THESE BOTTLES.

I'M

22 JUST TRYING TO RECYCLE THEM. THEY SHOULD BE
HAPPY

23 I'M OUT THERE TRYING TO RECYCLE THEM. AND I'LL

24 KEEP DOING THAT AND I'LL KEEP COMING UP HERE,
GOOD
25 WEATHER, BAD WEATHER. I HOPE YOU CAN SEE THE

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1 ILLOGIC OF SOME OF THE DECISIONS THAT YOU MIGHT
2 OTHERWISE HAVE MADE TODAY. THANK YOU.

3 CHAIRMAN PENNINGTON: THANK YOU, MR.
4 SHEDD.

5 BOARD MEMBER CHESBRO: I HAVE SEVERAL
6 COMMENTS. FIRST OF ALL, I WANT TO EXPRESS MY
7 ADMIRATION FOR MR. SHEDD FOR THE FACT THAT HE HAS
8 MADE THE COMMITMENT HE HAS BASED ON THE FACT THE
9 STATE OF CALIFORNIA IN LAW MADE A COMMITMENT TO
10 PLASTICS RECYCLING. THAT'S TURNED OUT TO BE A FAR
11 RISKIER ACTION ON HIS PART THAN, I THINK, HE
12 EXPECTED WHEN HE MADE THE EFFORT. BUT I JUST
13 THINK THAT HE IS TRULY A PIONEER AND A LEADER AND
14 DESERVES A LOT OF CREDIT. THAT'S MY FIRST
15 COMMENT.

16 THE SECOND ONE IS WHY DOES THIS
17 MATTER? WELL, WHEN I WAS BACK EAST AT THE
18 NATIONAL RECYCLING COALITION MEETING, I HAD A
19 CHANCE TO TALK TO SOMEONE WHO REPRESENTS A NUMBER
20 OF CONSUMER PRODUCTS MANUFACTURERS, WHO AREN'T
21 LOOKING AT WHETHER OR NOT WE'RE GOING TO RUN
22 AROUND AND FINE OR DING OR PUNISH. THEY WANT TO
23 BE IN ENVIRONMENTAL COMPLIANCE.

24 THEY HAVE A POLICY, AND THEIR
25 MISSION AND THEIR VISION, THAT VISION STATEMENT'S

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1 THAT THEY WANT TO BE IN ENVIRONMENTAL COMPLIANCE.
2 AND THEY'RE LOOKING AT THE ACTIONS OF THE BOARD
3 VERY SPECIFICALLY, WAITING TO SEE WHETHER OR NOT
4 THERE'S A DETERMINATION OF WHETHER OR NOT THEY'RE
5 REQUIRED TO DO MORE BECAUSE IT'S ACHIEVED 25
6 PERCENT OR NOT.

7 SO THE DIFFERENCE BETWEEN 25.9
8 PERCENT AND 23.9 PERCENT IS SIGNIFICANT. IT'S
9 GOING TO HAVE A SIGNIFICANT EFFECT ON MR. SHEDD'S
10 BUSINESS, BUT ALSO ON THE DECISIONS OF PRODUCT
11 MANUFACTURERS ACROSS THE COUNTRY WHO FILL PLASTIC
12 CONTAINERS AND WHETHER OR NOT THEY'RE GOING TO BUY
13 RECYCLED PLASTIC CONTAINERS.

14 SO I JUST WANT TO REALLY BRING US
15 BACK TO THE IMPORTANCE OF THIS DECISION. AND
16 FINALLY, I JUST WANT TO ECHO MRS. GOTCH'S
17 COMMENTS, THAT FOR SOME REASON, SURPRISE,
18 SURPRISE, WHEN THE OPPONENTS OF THIS LAW THOUGHT
19 THEY HAD A RATE ABOVE 25 PERCENT, THEY WANTED US
20 TO ADOPT A RATE. WHEN IT TURNED OUT IT WAS BELOW
21 25 PERCENT, SUDDENLY THEY'RE NOT INTERESTED IN A
22 RATE. AND IT'S CLEAR THEY'RE INTERESTED IN A
23 RANGE BECAUSE THEY WANT TO BE ABLE TO SPIN IT AND
24 CLAIM THAT THEY HAVE ACHIEVED COMPLIANCE.

25 SO IT'S AN EXAGGERATION TO SAY THE

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1 WHOLE WORLD IS WATCHING, BUT CERTAINLY THE WORLD
2 OF PLASTIC MANUFACTURERS AND PRODUCT MANUFACTURERS
3 THAT FILL PLASTIC CONTAINERS, THEY'RE ALL WATCHING
4 WHAT WE DO TODAY.

5 CHAIRMAN PENNINGTON: THANK YOU, MR.
6 CHESBRO. ANY QUESTIONS OF MR. SHEDD?

7 BOARD MEMBER GOTCH: MR. CHAIR, I DON'T
8 HAVE ANY OF MR. SHEDD. I DO THANK HIM FOR COMING
9 UP HERE AND SPEAKING. I HAVE A QUESTION FOR LEGAL
10 COUNSEL, IF I MAY. THAT IS THAT THE RPPC LAW
11 REQUIRES THAT THE BOARD ADOPT A RECYCLING RATE.
12 IT DOESN'T SAY ANYTHING ABOUT A RANGE. AM I
13 ACCURATE IN MY READING OF THE LAW?

14 MR. CHANDLER: I'LL REMIND YOU THAT WE'VE
15 GONE AROUND THIS ONCE BEFORE. AND I THINK IT'S IN
16 THE RECORD AS TO HOW WE RESPONDED TO THIS IN THE
17 PAST. IT DOES SAY A RATE. IT ALSO, AS YOU KNOW,
18 HAS A STANDARD DEVIATION OR A SIGNIFICANT LEVEL OF
19 ERROR AS WE COMPLETED THE CALCULATION.

20 AND SO AS I POINTED OUT THE LAST
21 TIME WE HAD THIS DISCUSSION, THE RANGE THAT IS
22 BEFORE YOU IS THE RANGE THAT THE METHODOLOGY HAS
23 SHOWN -- WHAT'S THE CONFIDENCE LEVEL? -- PLUS OR
24 MINUS .05. AND SO STATISTICS WILL TELL YOU THAT
25 THE CONFIDENCE LEVEL THAT WE'RE PUTTING TO THIS

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1 RANGE IS THAT ANY NUMBER IN BETWEEN 23.3 AND 25.9
2 HAS THE SAME LEVEL OF CONFIDENCE PLUS OR MINUS 90
3 PERCENT CONFIDENCE LEVEL.

4 SO WE ARE COMING FORWARD WITH THE
5 RESULTS OF WHAT THAT CALCULATION SHOWS WITHIN THAT
6 RANGE. AND I THINK, YOU KNOW, IT'S THE BEST STAFF
7 WORK THAT CAN BE APPLIED TO THE INFORMATION THAT
8 WE GENERATED THROUGH THE STATISTICAL MODELING AND
9 SAMPLING WORK THAT WE DID. AND SO I WOULD ANSWER
10 YOUR QUESTION, IT'S A RATE AND A RATE THAT IS
11 FORTHCOMING IS A RATE THAT SHOWS THE RANGE OF
12 THOSE TWO PERCENTAGES THAT I'VE JUST ALLUDED TO.

13 MS. TOBIAS: I WOULD SAY THAT LEGAL IS
14 COMFORTABLE WITH THAT INTERPRETATION OF THAT WORD,
15 TO USE A RANGE OF, RESPONDING TO THE WORD "RATE."

16 BOARD MEMBER GOTCH: THANK YOU.

17 CHAIRMAN PENNINGTON: OKAY. ANY FURTHER
18 QUESTIONS OF MR. SHEDD? WE HAVE A SUBSTITUTE
19 MOTION ON THE FLOOR. WOULD YOU LIKE TO RESTATE
20 YOUR SUBSTITUTE MOTION?

21 BOARD MEMBER GOTCH: MY SUBSTITUTE MOTION
22 WAS FOR US TO ACCEPT THE STAFF'S ADJUSTED '95
23 ALL-CONTAINER RECYCLING RATE OF 24.6 PERCENT.

24 CHAIRMAN PENNINGTON: OKAY. AND IT WAS
25 SECONDED BY MR. CHESBRO. IF THERE'S NO FURTHER

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1 DISCUSSION, WILL SECRETARY CALL THE ROLL ON THE
2 SUBSTITUTE MOTION.

3 BOARD SECRETARY: BOARD MEMBER CHESBRO.

4 BOARD MEMBER CHESBRO: AYE.

5 BOARD SECRETARY: FRAZEE.

6 BOARD MEMBER FRAZEE: NO.

7 BOARD SECRETARY: GOTCH.

8 BOARD MEMBER GOTCH: AYE.

9 BOARD SECRETARY: JONES.

10 BOARD MEMBER JONES: NO.

11 BOARD SECRETARY: RELIS.

12 BOARD MEMBER RELIS: NO.

13 BOARD SECRETARY: CHAIRMAN PENNINGTON.

14 CHAIRMAN PENNINGTON: NO. MOTION FAILS.

15 WE'LL NOW HAVE THE CHAIR'S ORIGINAL
16 MOTION TO ADOPT RESOLUTION 97-41.

17 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I
18 WOULD MOVE AN AMENDMENT TO THAT RESOLUTION. I'D
19 LIKE TO GO THROUGH THE AMENDMENT FIRST, AND THEN
20 I

21 HAVE SOME COMMENTS AFTER, IF IT'S BEEN SECONDED,
22 AFTER IT'S BEEN ACCEPTED.

23 FIRST OF ALL, THIS IS AN AMENDMENT
24 TO THE MOTION THAT'S ON THE FLOOR, RESOLUTION
97-41. I WOULD ADD FOLLOWING THE FINAL WHEREAS
IN

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1 HANDED OUT COPIES OF IT AND I HAVE COPIES FOR
2 ANYBODY ELSE THAT'S INTERESTED.

3 WHEREAS, WHEN PETE SOFT DRINK
4 BOTTLES COVERED BY THE STATE'S SUCCESSFUL BOTTLE
5 BILL PROGRAM ARE EXCLUDED FROM THE ALL-CONTAINER
6 RECYCLING RATE CALCULATION, THE RECYCLING RATE OF
7 RPPC'S EQUALS LESS THAN 14 PERCENT.

8 AND THEN FOLLOWING THE FIRST
9 RESOLVED WOULD BE THESE ADDITIONAL RESOLVES: BE
10 IT FURTHER RESOLVED THAT WHILE NO OTHER COMPLIANCE
11 OPTIONS WILL BE ENFORCED AT THIS TIME, THE BOARD
12 REMAINS DISSATISFIED WITH THE CURRENT LEVEL OF
13 RPPC RECYCLING IN THIS STATE.

14 AND BE IT FURTHER RESOLVED THAT THE
15 BOARD URGES THE MAKERS OF RPPC'S, ALONG WITH THE
16 CONSUMER PRODUCT COMPANIES THAT USE THEM, TO
17 SIGNIFICANTLY INCREASE THEIR EFFORTS TO DEVELOP
18 MARKETS FOR RECOVERED RPPC'S AND ENSURE THE
19 RECYCLING OF RPPC SOLD IN THIS STATE.

20 AND THEN I WOULD FURTHER DELETE THE
21 RESOLVED THAT SAYS BE IT FURTHER RESOLVED THAT THE
22 1995 ALL-CONTAINER RECYCLING RATE METHODOLOGY BE
23 USED AS A BASIS FOR DETERMINING ADJUSTMENT FACTORS
24 FOR FUTURE YEAR RPPC RECYCLING RATE CALCULATIONS.
25 THAT'S -- I PUT THAT FORWARD AS AN

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1 AMENDMENT TO THE MOTION.

2 BOARD MEMBER GOTCH: I'LL SECOND THAT
3 AMENDMENT.

4 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND
5 SECONDED.

6 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I
7 HAVE A QUESTION FOR COUNSEL. IT APPEARS TO ME
8 THAT THE RESOLVED WHICH DIRECTS THE QUESTION OF
9 HOW THE RECYCLING RATE IS TO BE DEVELOPED FOR 1995
10 IS NOT ON THE AGENDA, THAT WE ARE DEALING WITH THE
11 SETTING OF THE RATE THAT'S ON THE AGENDA -- I MEAN
12 THAT IS FOR THE PREVIOUS YEAR. AND I WANT TO ASK
13 STAFF WHETHER OR NOT WE CAN ACT ON DIRECTING HOW
14 THE RATE IS TO BE ESTABLISHED FOR 1995.

15 MR. CHANDLER: SINCE YOU ARE ASKING
16 STAFF, LET ME JUST GIVE YOU MY IMPRESSION OF HOW I
17 AM INTERPRETING THIS SECOND TO THE LAST BE IT
18 FURTHER RESOLVED. FIRST OF ALL, I DO NOTE
THAT

19 IT'S CONSISTENT WITH THE MOTION, ALBEIT
20 ACKNOWLEDGED A FAILED MOTION, THAT THE
BOARD TOOK

21 UP IN SEPTEMBER OF 1996. BUT THE WAY I
READ THE

22 MOTION, BE IT FURTHER RESOLVED THAT THE

23 ALL-CONTAINER RECYCLING RATE METHODOLOGY

BE USED

24 AS A BASIS, NOT THE BASIS, BUT A BASIS FOR

25 DETERMINING ADJUSTMENT FACTORS FOR FUTURE
YEAR

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1 RPPC RECYCLING RATE CALCULATIONS, WE WOULD
2 INTERPRET JUST TO BE SIMPLY AT THE BOARD'S
3 DIRECTION, WE WOULD CONSIDER AS ONE OF THE BASES
4 THE ALL-CONTAINER RECYCLING RATE METHODOLOGY.

5 BOARD MEMBER CHESBRO: IT DOESN'T SAY
6 THAT, RALPH. IT JUST NAMES ONE. IT DOESN'T SAY
7 AMONG OTHERS. IT DOESN'T SAY CONSIDER. IT SAYS
8 THAT THE 1995 ALL-CONTAINER RECYCLING RATE
9 METHODOLOGY BE USED AS A BASIS FOR DETERMINING
10 ADJUSTMENT FACTORS. IT MAKES NO REFERENCE TO THE
11 OTHERS.

12 MR. CHANDLER: I'M JUST TELLING YOU OUR
13 INTERPRETATION WOULD BE THAT THAT WOULD BE A
14 BASIS, ONE OF.

15 BOARD MEMBER CHESBRO: I'M SURE THAT APC
16 WILL COME FORWARD AND SAY, "OH, DON'T JUST USE
17 THAT ONE."

18 MR. CHANDLER: I CAN'T SPEAK FOR THEM.

19 BOARD MEMBER CHESBRO: ANYWAY, MY
20 QUESTION WAS FOR COUNSEL AND I APPRECIATE YOUR
21 RESPONSE, MR. CHANDLER, BUT I WOULD LIKE TO KNOW
22 WHETHER COUNSEL FEELS FUTURE YEAR RPPC RECYCLING
23 RATE CALCULATIONS IS ON THE AGENDA TODAY.

24 MS. TOBIAS: I THINK WHAT YOU NEED TO DO
25 IN LOOKING AT THAT IS TO LOOK AT THE AGENDA ITEM

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1 TO SEE WHETHER IT WAS CONSIDERED. I UNDERSTAND IT
2 WAS BROUGHT UP AT PREVIOUS MEETING IN THE MOTION.
3 AND SO I THINK THAT IT'S REALLY A QUESTION FOR THE
4 BOARD IN TERMS OF WHETHER THEY THINK THIS ISSUE
5 HAS BEEN ADEQUATELY RAISED IN ORDER TO GIVE THE
6 PUBLIC NOTICE THAT YOU WERE GOING TO TAKE THAT UP.

7 I THINK THAT THE LANGUAGE IS
8 SUSCEPTIBLE TO BEING READ AS MR. CHANDLER HAS
9 INDICATED, THAT IT WILL BE USED AS A BASIS. I
10 THINK THAT IF THAT SATISFIES THE BOARD, THAT THE
11 RECORD WOULD SHOW FOR THE FUTURE THAT THAT IS
12 INDEED, AS HE INDICATED, ONE BASIS AND NOT THE
13 BASIS. YOU COULD ALSO CHANGE THE LANGUAGE, BUT
14 I

14 THINK IT'S REALLY FOR THE BOARD TO DECIDE
WHETHER

15 YOU FEEL THAT THIS ISSUE HAS BEEN ADEQUATELY
16 RAISED IN TERMS OF PUBLIC NOTICE.

17 BOARD MEMBER CHESBRO: WELL, MR.
18 CHAIRMAN, IF IT'S SIMPLY TO SAY THAT IT'S ONE
19 OF
20 THE MANY BASES WE'RE GOING TO CONSIDER, THEN
21 THERE'S NO NEED FOR THE RESOLVED. IF IT IS, IN
22 FACT, AS I'M CONCERNED, THAT IT IS TO DIRECT IT
TO
THIS AS A EITHER SELECTED OR A HIGH PRIORITY,

23 THEN, IN FACT, THE CONSULTANT WHICH WE'VE
RETAINED

24 TO HELP US DETERMINE OUR RATE METHODOLOGY
DIDN'T

25 KNOW APPARENTLY THAT IT WAS ON THE AGENDA.

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1 THE MEMBERS OF THE ADVISORY
2 COMMITTEE, FORTUNATELY MR. SHEDD IS HERE, BUT I
3 DON'T BELIEVE -- MAYBE I SUPPOSE THE APC PEOPLE
4 KNEW THAT IT WAS GOING TO BE CONSIDERED, BUT THERE
5 ARE DEFINITELY MEMBERS OF THE ADVISORY COMMITTEE
6 WHO HAD NO IDEA, I THINK, THAT WE WERE ADDRESSING
7 WHAT WE HAD ASKED THEM TO DEAL WITH. SO THIS IS
8 INAPPROPRIATE BECAUSE IT PREEMPTS BOTH THE WORK OF
9 THE CONSULTANT AND THE WORK OF THE ADVISORY
10 COMMITTEE TO DETERMINE HOW FUTURE RATES ARE GOING
11 TO BE SET.

12 CHAIRMAN PENNINGTON: ARE YOU SUGGESTING
13 THAT THEY WERE NOT ADVISED?

14 BOARD MEMBER CHESBRO: WELL, THIS AGENDA
15 ITEM, BUT I DON'T THINK THEY GOT A RESOLUTION
16 WHICH SAID THAT WE WERE GOING TO PREEMPT THEIR
17 FUTURE WORK IN TERMS OF ADVISING US ON HOW THE
18 RATE SHOULD BE CALCULATED.

19 CHAIRMAN PENNINGTON: I THINK THEY WERE
20 GIVEN THE RESOLUTION.

21 BOARD MEMBER CHESBRO: WITH THIS RESOLVED
22 IN IT?

23 CHAIRMAN PENNINGTON: I BELIEVE SO.

24 BOARD MEMBER CHESBRO: I RECEIVED IT WITH
25 THAT RESOLVED IN IT THIS MORNING, SO I DON'T KNOW,

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1 MAYBE IT GOT FAX'D TO THEM.

2 BUT THE OTHER CONCERN, OF COURSE, IS
3 THAT IMPLICATION, THE IMPLICATION OF THE
4 RESOLUTION WITHOUT MY AMENDMENTS IS THAT IT
5 IMPLIES THAT ADOPTING A RANGE, IN FACT, IS 25
6 PERCENT, AND THAT REALLY GETS TO THE HEART OF THE
7 ISSUE. AND SO I THINK, IN ORDER FOR ME TO BE --
8 TO FEEL COMFORTABLE WITH THE IDEA OF A RANGE, WE
9 NEED TO MAKE IT CLEAR THAT A SUB 25-PERCENT RATE
10 IS NOT SOMETHING THAT THIS BOARD SUPPORTS. THAT
11 WE SUPPORT THE MAXIMUM DIVERSION OF PLASTIC IN
12 ORDER TO HELP THE WASTE HAULERS, IN ORDER TO HELP
13 THE LOCAL GOVERNMENTS, IN ORDER TO HELP THE
14 RECYCLERS ACHIEVE THE PROVISION OF THIS LAW. AND
15 FOR THOSE REASONS I WOULD ASK YOUR SUPPORT FOR
16 THIS AMENDMENT TO THE MOTION.

17 BOARD MEMBER FRAZEE: QUESTION TO MR.
18 CHANDLER. DID I UNDERSTAND YOU TO SAY THAT THIS
19 PARTICULAR RESOLVE CLAUSE WAS IN THE RESOLUTIONS
20 PREVIOUSLY WHEN WE CONSIDERED THIS ITEM ON TWO
21 PREVIOUS OCCASIONS?

22 MR. CHANDLER: I DID SPEAK TO THAT. LET
23 ME BE CLEARER THAN PERHAPS I WAS. I WAS SPEAKING
24 SPECIFICALLY TO WHAT I HAVE BEFORE ME, WHICH IS
25 SUMMARY OF ACTION OR THE MOTION FROM THE
SEPTEMBER

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1 25, 1996, RECORD OF THE BOARD MEETING. I THINK
2 YOU WERE IN UKIAH, IF MY MEMORY SERVES ME RIGHT.
3 CHAIRMAN PENNINGTON MOVED THAT THE BOARD ADOPT A
4 RANGE OF 23.3 TO 25.9 CALCULATED UNDER STAFF
5 OPTION 1, WHICH INCLUDES EXPORTS -- WHICH INCLUDES
6 EXPORTS AND TRANSFORMATION IN THE DENOMINATOR FOR
7 THE 1995 ALL-CONTAINER RECYCLING RATE AND ADOPT
8 THE 1995 WASTE CHARACTERIZATION METHODOLOGY AS A
9 BASIS FOR DETERMINING ADJUSTMENT FACTORS FOR
10 FUTURE YEAR RPPC RECYCLING RATE CALCULATIONS. WE
11 AGREE THAT THE OTHER COMPLIANCE OPTIONS LISTED IN
12 THE STATUTE WILL NOT BE ENFORCED.

13 AND SO, MR. FRAZEE, MY UNDERSTANDING
14 OF WHAT WE WERE ATTEMPTING TO DO TODAY WAS SIMPLY
15 THE MOTION THAT WAS DEBATED UP IN UKIAH IN THE
16 RESOLUTION 97-41.

17 BOARD MEMBER FRAZEE: THIS IS NOTHING NEW
18 THAT HAS COME UP IN THIS AGENDA ITEM. IT'S BEEN
19 IN THE PROCESS.

20 BOARD MEMBER CHESBRO: MR. CHAIRMAN, I
21 WOULD ADDRESS YOUR ATTENTION TO THE TITLE ON PAGE
22 258. IT'S ALSO ON THE AGENDA UNDER NO. 37, WHICH
23 SAYS CONSIDERATION OF THE 1995 RIGID PLASTIC
24 PACKAGING CONTAINER ALL-CONTAINER RECYCLING RATE.
25 AND THEN I WOULD ADDRESS YOUR ATTENTION TO PAGE

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1 267, TO THE RESOLUTION WHICH WAS MAILED OUT IN THE
2 PACKET, WHICH DID NOT INCLUDE THE RESOLVED THAT IS
3 BEING ADDRESSED HERE. THAT WAS ADDED IN A VERSION
4 THAT WAS HANDED OUT THIS MORNING.

5 AND SO, FRANKLY, I WOULD THINK FROM
6 THE STANDPOINT OF ANYONE WHO WANTS THIS RESOLUTION
7 TO STAND UP IN COURT AND NOT TAKE RISKS, IF IT
8 REALLY IS ONLY VAGUELY LISTING THIS, I THINK IT'S
9 PROBABLY A RISK THAT YOU DON'T WANT TO TAKE. I
10 THINK IF I WERE YOU, I'D WANT TO TAKE IT OUT IF I
11 WAS IN FAVOR OF THIS RESOLUTION BECAUSE I THINK,
12 YOU KNOW, THERE'S A MIXED QUESTION ABOUT WHETHER
13 OR NOT IT'S LEGAL. I THINK IT CREATES A POINT FOR
14 LITIGATION THAT REALLY DOESN'T ACHIEVE MUCH FOR
15 THE CAUSE OF TRYING TO GIVE APC AND THE PLASTICS
16 MANUFACTURERS SOME KIND OF PEACE THAT THEY CAN
17 CLAIM 25 PERCENT HAS BEEN ACHIEVED. I THINK IT
18 WILL PROBABLY BE LITIGATED.

19 CHAIRMAN PENNINGTON: I DON'T --

20 BOARD MEMBER FRAZEE: I WOULD ASSUME, MR.
21 CHAIRMAN, THAT IF WE REMOVE THAT, WE CAN EXPECT A
22 UNANIMOUS VOTE OF THE BOARD IF WE REMOVE THAT.

23 BOARD MEMBER CHESBRO: THAT'S ONLY ONE
24 PART OF MY MOTION, MY AMENDMENT.

25 CHAIRMAN PENNINGTON: WE HAVE YOUR

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1 AMENDMENT BEFORE US. IF THERE'S NO FURTHER
2 DISCUSSION, I THINK WE'LL TAKE A VOTE ON IT. WILL
3 THE SECRETARY CALL THE ROLL.

4 BOARD SECRETARY: BOARD MEMBER CHESBRO.

5 BOARD MEMBER CHESBRO: AYE.

6 BOARD SECRETARY: FRAZEE.

7 BOARD MEMBER FRAZEE: AYE.

8 BOARD SECRETARY: GOTCH.

9 BOARD MEMBER GOTCH: AYE.

10 BOARD MEMBER FRAZEE: OH. SORRY. CHANGE
11 ME TO A NO ON THAT.

12 BOARD MEMBER CHESBRO: I WAS STARTING TO
13 HAVE TO DECIDE WHETHER I WAS GOING TO HAVE TO VOTE
14 FOR THE MAIN MOTION. YOU WERE CREATING A DILEMMA
15 FOR ME.

16 BOARD SECRETARY: JONES.

17 BOARD MEMBER JONES: NO.

18 BOARD SECRETARY: RELIS.

19 BOARD MEMBER RELIS: NO.

20 BOARD SECRETARY: CHAIRMAN PENNINGTON.

21 CHAIRMAN PENNINGTON: NO. MOTION FAILS.

22 NOW WE'LL TAKE UP MY MOTION TO
ADOPT

23 RESOLUTION 97-41. IF THERE'S NO FURTHER
24 DISCUSSION, WILL THE SECRETARY CALL THE ROLL,
25 PLEASE.

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1 BOARD SECRETARY: BOARD MEMBER CHESBRO.

2 BOARD MEMBER CHESBRO: NO.

3 BOARD SECRETARY: FRAZEE.

4 BOARD MEMBER FRAZEE: AYE.

5 BOARD SECRETARY: GOTCH.

6 BOARD MEMBER GOTCH: NO.

7 BOARD SECRETARY: JONES.

8 BOARD MEMBER JONES: AYE.

9 BOARD SECRETARY: RELIS.

10 BOARD MEMBER RELIS: AYE.

11 BOARD SECRETARY: CHAIRMAN PENNINGTON.

12 CHAIRMAN PENNINGTON: AYE. MOTION

13 CARRIES.

14 BOARD MEMBER CHESBRO: I'M GLAD WE SENT A
15 TOUGH MESSAGE TO THE PLASTICS INDUSTRY ABOUT THEIR
16 NEED TO RESPOND TO THE CONCERNS THAT THEY HEAR
17 FROM LOCAL GOVERNMENTS AND THE WASTE HAULING
18 INDUSTRY AND RECYCLERS ABOUT AN INADEQUATE MARKET.

19 BOARD MEMBER RELIS: MR. CHAIR, BEFORE WE
20 LEAVE THIS --

21 CHAIRMAN PENNINGTON: MR. JONES WOULD
22 LIKE TO MAKE A STATEMENT.

23 BOARD MEMBER JONES: I WANTED TO SAY A
24 COUPLE OF WORDS ON THIS THING BECAUSE IT HAS

BEEN

25 SUCH A HOTLY CONTESTED ITEM. AS A HAULER AND AS

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1 SOMEBODY FROM THE WASTE INDUSTRY, AND I'VE BEEN
2 PART OF THE WASTE INDUSTRY FOR OVER 20 YEARS, I
3 KNOW THAT THE PEOPLE FROM THE PLASTICS MANUFAC-
4 TURING GROUP ARE SITTING HERE WITH ONE THING IN
5 MIND. THAT WAS TO COUNT VOTES AND SEE WHAT THEY
6 CAME UP WITH.

7 I THINK THE RANGE THAT WE ADOPTED
8 MOVES US ON, AND I THINK THAT'S ALL PART OF WHAT
9 IS ALL IMPORTANT ABOUT THIS IS THAT WE NEED TO
10 MOVE ON. WE NEED TO CONTINUE TO DEVELOP MARKETS.

11 I'LL TELL YOU, AS A FORMER OPERATOR,
12 THE THING I USED TO WORRY ABOUT THE MOST AS I
13 BUILT MRF'S AND AS I PUT CURBSIDE PROGRAMS
14 TOGETHER AND DID THE THINGS TO COMPLY WITH AB 939,
15 WHAT I WORRIED ABOUT THE MOST WAS WHERE THE
16 MARKETS WERE THAT I COULD SELL THAT PRODUCT AT.
17 AND WHAT I AM CONCERNED ABOUT AND THE THINGS THAT
18 BOTHER ME ARE WHEN I SEE THE PEOPLE AT RUTGERS
19 COMING UP WITH A NEW PLASTICS RAILROAD TIE THAT
20 COULD GO OVER HUNDREDS OF THOUSANDS OF MILES IN
21 THIS UNITED STATES USING RECYCLED PLASTIC AS
22 FEEDSTOCK, AND THEN I SEE THE FUNDING FOR THAT
23 PROGRAM SHUT DOWN FOR WHATEVER REASON, THAT
24 BOTHERS ME. BECAUSE IF THAT PROJECT WERE TO GO
25 FORWARD, IT COULD END UP PRODUCING WORK AND A

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1 PRODUCT THAT WOULD LAST A LOT LONGER, GIVE US A
2 MARKET, BRING NEW JOBS TO CALIFORNIA BECAUSE WHAT
3 THEY'RE TALKING ABOUT WAS ON THE EAST COAST.

4 AND I WANT TO SEE A COMMITMENT FROM
5 THE PLASTICS INDUSTRY TO CONTINUE TO NOT SO MUCH
6 SPEND THEIR MONEY ON ADVERTISING, BUT SPEND THEIR
7 MONEY ON PRODUCTS AND ON PROJECTS THAT GIVE US
8 MARKETS AND GIVE US PLACES TO SELL THIS. BECAUSE
9 I'VE HAD TO STAND THERE AND ACCEPT PLASTIC OR DENY
10 PLASTIC AT MY BUY-BACK CENTERS BECAUSE EVEN THOUGH
11 IT HAD THE ARROWS, I DIDN'T HAVE A MARKET FOR IT.

12 AND THIS IS -- THIS WAS A VERY
13 SERIOUS ISSUE FOR ME WHEN I STARTED READING ABOUT
14 IT. I DIDN'T HAVE ANY PROBLEM WITH THE RANGE. I
15 REALLY DIDN'T BECAUSE I THINK IT MOVES US ON. BUT
16 I HAVE A PROBLEM THAT IF THE MESSAGE THAT'S SENT
17 OUT IS THAT EVERYTHING IS GOOD IN THE PLASTICS
18 INDUSTRY AND EVERYBODY HAS HIT THEIR GOALS BECAUSE
19 I DON'T THINK WE'VE HIT OUR GOALS. WE HAVE A
20 MANDATE OF 50 PERCENT IN THIS STATE, AND WE'RE NOT
21 GOING TO REACH THAT 50 PERCENT WITHOUT WORKING IN
22 COOPERATION. AND THE COOPERATION HAS BEEN THERE
23 FROM ALL THE INDUSTRIES. WE NEED MORE COOPERATION
24 FROM PLASTICS AND FROM OTHER INDUSTRIES WHERE WE
25 CAN GET THAT FEEDSTOCK OUT THERE AND COME UP WITH

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1 NEW JOBS AND NEW PRODUCTS.

2 SO I DID VOTE YES FOR THAT RANGE,
3 AND I FEEL GOOD ABOUT MY VOTE. BUT I WANTED IT TO
4 SEND A MESSAGE THAT, AS A FORMER INDUSTRY
5 SPOKESMAN OR AS AN INDUSTRY PERSON, THERE WAS A
6 CONFERENCE WHEN SOMEBODY FROM THE PLASTICS
7 INDUSTRY, AND I DON'T KNOW IF IT WAS A SPOKESMAN
8 OR WHATEVER, SAID THAT THE ONLY REASON THE PLASTIC
9 WASN'T BEING RECYCLED WAS BECAUSE THE GARBAGE MEN
10 WERE TOO LAZY TO PICK IT UP. WELL, GUESS WHAT.
11 WE'VE BUILT MRF'S, WE'VE BUILT AN INFRASTRUCTURE,
12 WE'VE PUT PROGRAMS TOGETHER, AND WE HAVE PICKED IT
13 UP. NOW WE NEED A PLACE TO SELL IT, SO I THINK WE
14 NEED TO WORK ON THOSE ISSUES.

15 CHAIRMAN PENNINGTON: THANK YOU, MR.
16 JONES. MR. RELIS.

17 BOARD MEMBER RELIS: MR. CHAIR, I WANTED
18 TO SAY A FEW WORDS ON THIS. MY VOTE SPEAKS TO
19 WHAT I CONSIDER TO BE A TECHNICAL RANGE. WE
20 CHECKED OUT THE -- MY OFFICE CHECKED OUT VERY
21 CAREFULLY THE METHODOLOGY THAT WAS USED, AND WE
22 TALKED WITH THE CASCADIA GROUP AND WITH OTHERS.
23 AND I BELIEVE THE RANGE IS A REASONABLE CHOICE.
24 THAT DOES NOT IMPLY AN ENDORSEMENT OF OUR
PROGRESS

25 ON PLASTICS RECYCLING IN THIS STATE.

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1 WE HAVE A VERY BIG QUESTION MARK, I
2 THINK, OUT THERE OVER WHERE PLASTICS RECYCLING IS
3 GOING. I THINK MANY JURISDICTIONS THROUGHOUT
4 CALIFORNIA AND PRIVATE SECTOR PARTIES, LIKE MR.
5 JONES MENTIONED, ARE WONDERING WHETHER THEY'RE
6 GOING FOR A MARKET FOR THE MATERIAL. IT'S AN
7 ABYSMALLY LOW RATE.

8 I JUST RECEIVED YESTERDAY A
9 COMMUNICATION ON THE STATE OF MINNESOTA IS HOLDING
10 HEARINGS ON PET RECOVERY. I THINK YOU ARE GOING
11 TO SEE A GREAT DEAL OF ATTENTION PLACED ON THE
12 FUTURE OF PLASTICS NATIONWIDE. AND I CERTAINLY
13 INTEND TO PUT GREAT EMPHASIS ON IT IN THE MARKET
14 COMMITTEE BECAUSE NEXT YEAR WE MAY NOT BE AT THE
15 RATE. AND WE'LL CROSS THAT BRIDGE WHEN IT COMES.

16 AND I WOULD ECHO RALPH'S STATEMENT,
17 THAT THE RESOLUTION SPEAKS TO THE REFERENCE OF THE
18 METHODOLOGY WE USED AS A BASIS. WE'LL HAVE TO SEE
19 WHAT FURTHER RECOMMENDATIONS COME OUT. THERE MAY
20 BE A BETTER WAY TO DO IT. WE'LL LOOK AT THAT WHEN
21 IT COMES. BUT THIS DOESN'T SETTLE THE PLASTICS
22 ISSUE. THE MARKET ISSUES ARE MUCH, MUCH MORE
23 PROFOUND THAN A RANGE FIGURE HERE. THAT'S A
24 TECHNICAL JUDGMENT BY A REGULATORY AGENCY LOOKING
25 AT TECHNICAL INFORMATION. SO THAT COMPLETES MY

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1 COMMENTS.

2 BOARD MEMBER GOTCH: TAKING INTO
3 CONSIDERATION THE COMMENTS THAT MR. RELIS AND MR.
4 JONES JUST MADE, I'M WONDERING IF ANY OF MY FELLOW
5 BOARD MEMBERS ARE INTERESTED IN ADDING AT LEAST
6 TWO OF THE PARAGRAPHS FROM THE AMENDMENT THAT MR.
7 CHESBRO HAS PUT BEFORE US. I THINK THAT FOR ME IT
8 WOULD EASE SOME OF MY CONCERNS TO ADD AT LEAST BE
9 IT FURTHER RESOLVED THAT WHILE NO OTHER COMPLIANCE
10 OPTIONS WILL BE ENFORCED AT THIS TIME, THE BOARD
11 REMAINS DISSATISFIED WITH THE CURRENT LEVEL OF
12 RPPC RECYCLING IN THIS STATE, WHICH I BELIEVE FOUR
13 OF US ARE, AND BE IT FURTHER RESOLVED THAT THE
14 BOARD URGES THE MAKERS OF RPPC'S, ALONG WITH THE
15 CONSUMER PRODUCT COMPANIES THAT USE THEM, TO
16 SIGNIFICANTLY INCREASE THEIR EFFORTS TO DEVELOP
17 MARKETS FOR RECOVERING RPPC'S AND ENSURE THE
18 RECYCLING OF RPPC'S SOLD IN THIS STATE.

19 BOARD MEMBER RELIS: MR. CHAIR, I DON'T
20 MIND THAT. I WOULD JUST REFERENCE -- I MEAN
21 DISSATISFIED. I JUST SAY MY STATEMENT REFERRED TO
22 CONCERN BECAUSE IF WE'RE TALKING ABOUT A RATE AND
23 IT'S WITHIN -- WE WERE AFTER ALL CONSIDERING THAT
24 THIS WOULD NOT BE EVEN, IF YOUR MOTION HAD BEEN
25 ADOPTED, WE WOULDN'T HAVE TAKEN ENFORCEMENT

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1 ACTION, THEN MY VIEW WOULD BE THAT YOUR LANGUAGE
2 IS ALL RIGHT AS LONG AS I WOULD SUBSTITUTE
3 DISSATISFIED WITH CONCERN BECAUSE THAT'S WHERE I
4 THINK WE ARE RIGHT NOW.

5 CHAIRMAN PENNINGTON: MY FEELING IS THAT
6 WE'VE CERTAINLY DEALT WITH THIS ISSUE ENOUGH. I
7 THINK THE INDUSTRY CERTAINLY HAS GOTTEN THE
8 MESSAGE WHERE WE ARE. I THINK WE SHOULD MOVE ON.
9 BUT THAT'S -- IF SOMEBODY WANTS TO MAKE A MOTION.

10 BOARD MEMBER GOTCH: I'D LIKE TO MAKE A
11 MOTION FOR WHAT I'VE JUST SUGGESTED BECAUSE I
12 DON'T THINK THAT THE PLASTICS INDUSTRY IS GETTING
13 OUR MESSAGE. I THINK THE FOUR OF US WERE LOOKING
14 AT THE BOTTOM LINE OF WHERE THE VOTES ARE, AND SO
15 I'D LIKE TO MOVE THAT WE ADD TWO OF MR. CHESBRO'S
16 AMENDMENTS, THE TWO PARAGRAPHS I JUST READ, AND IF
17 MR. RELIS WILL GO ALONG WITH CONCERNED RATHER THAN
18 DISSATISFIED, I'M WILLING TO CHANGE THAT.

19 BOARD MEMBER RELIS: AND YOU ARE NOT
20 INCLUDING, THOUGH, THE FIRST WHEREAS, CORRECT?

21 BOARD MEMBER GOTCH: THAT'S NOT
22 NECESSARY.

23 BOARD MEMBER RELIS: I THINK IT'S A
24 STATEMENT OF WHAT WE'VE ALREADY SAID.

25 CHAIRMAN PENNINGTON: ARE WE TRYING TO

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1 TACK THIS ON THE RESOLUTION?

2 BOARD MEMBER GOTCH: YES. WE'RE TRYING
3 TO TACK THIS ONTO THE RESOLUTION.

4 CHAIRMAN PENNINGTON: WE FIRST NEED A
5 MOTION TO REOPEN IT. WE DEALT WITH THAT. WE'VE
6 DEALT WITH THE MOTION AND RESOLUTION. IF WE ARE
7 GOING TO GO BACK AND NOW AMEND THE RESOLUTION, I
8 THINK WE FIRST NEED TO KNOW THAT AND HAVE A MOTION
9 TO REOPEN THE MATTER.

10 BOARD MEMBER GOTCH: I MAKE A MOTION TO
11 REOPEN THE MATTER.

12 BOARD MEMBER CHESBRO: I'LL SECOND.

13 BOARD MEMBER FRAZEE: ON THAT MOTION, MR.
14 CHAIRMAN, ONCE ALREADY THIS MORNING AN ITEM WAS
15 BROUGHT UP AND IT WAS AGREED THAT IT SHOULD BE
16 AGENDIZED. I THINK THE EMOTIONAL AND THE
17 SATISFACTION STATE OF THIS BOARD IS A NEW SUBJECT.
18 IF WE WANT TO DO THAT, TALK ABOUT HOW WE FEEL
19 ABOUT SOMETHING, LET'S GET IT ON AN AGENDA ITEM.

20 BOARD MEMBER RELIS: IF I MIGHT ADD, I
21 THOUGHT YOU WERE TALKING ABOUT ENDORSING A
22 STATEMENT, ENDORSE THE STATEMENT. I DIDN'T KNOW
23 IT WAS A REVISITING OF THE WHOLE RESOLUTION.

24 CHAIRMAN PENNINGTON: WELL, WE HAVE A
25 MOTION.

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1 BOARD MEMBER FRAZEE: MR. CHAIRMAN, I
2 WASN'T GOING TO DRAG THIS THING OUT ANY LONGER,
3 BUT SINCE EVERYONE ELSE HAS TAKEN A SHOT AT IT. A
4 LOT OF THIS GOES BACK TO MY ORIGINAL PREMISE, THAT
5 WHEN WE RELY UPON GOVERNMENT MANDATED RECYCLED-
6 CONTENT IN ORDER TO ACHIEVE A GOAL, THAT
7 ULTIMATELY FAILS IN ONE WAY OR ANOTHER UNLESS THE
8 BIGGER SIDE OF THE EQUATION, AND THAT'S THE
9 MARKETS, ARE THERE. WE CAN DO ALL KINDS OF GOOD
10 THINGS. WE CAN GIVE GRANTS FOR PEOPLE TO BE
11 COMPETITIVE IN THE BUSINESS PLACE WITH THE
12 PRODUCTION OF RECYCLED MATERIAL. WE CAN ENCOURAGE
13 IT THIS WAY.

14 WE CAN -- BUT THE ADOPTION OF A
15 MANDATED RATE IS JUST ONE LITTLE BIT OF THAT, AND
16 THAT'S FOR NAUGHT IF THE MARKET ISN'T ULTIMATELY
17 DEVELOPED DOWN THE LINE. THE -- WE TALK ABOUT
18 HAVING SOME PROBLEMS WITH RANGE HERE. THE
19 ORIGINAL LEGISLATIVE STATEMENT OF 25 PERCENT IS
20 ARBITRARY IN ITSELF. AND I SPENT 16 YEARS SITTING
21 THROUGH MEETINGS WHERE NUMBERS WERE THROWN AROUND.
22 AND IT WAS WHATEVER YOU COULD GET THE VOTES FOR.
23 THAT COULD HAVE BEEN 50 PERCENT; IT COULD HAVE
24 BEEN 10 PERCENT. IT HAD NO SCIENTIFIC BASIS, NO
25 STUDIES OR ANYTHING ELSE. IT WAS JUST A NUMBER

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1 THAT SOMEONE THOUGHT THEY COULD GET ENOUGH VOTES
2 FOR TO GET THROUGH THE LEGISLATURE AND GET A
3 SIGNATURE BY THE GOVERNOR.

4 SO WE'RE STARTING WITH AN ARBITRARY
5 NUMBER. WE'RE COMING UP WITH A SOLUTION THAT I
6 THINK ALL OF US AGREE THAT WE'RE NOT HAPPY AND NOT
7 JUMPING UP AND DOWN WITH JOY ABOUT, BUT IT DOES
8 MOVE US ON AND CONTINUE TO MOVE THIS PROGRAM SO WE
9 CAN WORK ON THE REAL END OF THIS THING. AND
10 THAT'S ON THE MARKET DEVELOPMENT AND THE USE OF
11 THE MATERIAL.

12 CHAIRMAN PENNINGTON: THANK YOU. OKAY.
13 WE HAVE A MOTION.

14 BOARD MEMBER GOTCH: ALL RIGHT. GO AHEAD
15 WITH WHAT YOU WERE GOING TO SAY.

16 CHAIRMAN PENNINGTON: WE HAVE A MOTION ON
17 THE FLOOR TO REOPEN THE RESOLUTION NO. 97-41 AS
18 ADOPTED THIS MORNING.

19 BOARD MEMBER GOTCH: WHAT I'D LIKE TO
20 MOVE INSTEAD OF THAT AFTER HEARING --

21 CHAIRMAN PENNINGTON: WITHOUT A SECOND,
22 YOU WILL HAVE TO WITHDRAW YOUR ORIGINAL MOTION.

23 BOARD MEMBER GOTCH: I WILL WITHDRAW MY
24 ORIGINAL MOTION, THEN. AND THE NEW MOTION, THEN,
25 IS THAT WE MAKE A STATEMENT, AND THE STATEMENT

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1 INCLUDE THOSE TWO PARAGRAPHS FROM THE AMENDED
2 RESOLUTION, WHICH WOULD BE BE IT FURTHER RESOLVED.

3 CHAIRMAN PENNINGTON: OKAY.

4 BOARD MEMBER GOTCH: AND THE PARAGRAPH
5 FOLLOWING.

6 CHAIRMAN PENNINGTON: YOU'RE MOVING NOW
7 THAT WE MAKE A STATEMENT THAT CONTAINS -- YOU
8 KNOW, I HAVE TO TELL YOU -- I MEAN WE'LL GO
9 THROUGH WITH THIS, BUT IT'S VERY HARD FOR US TO
10 KNOW WHAT WE'RE VOTING ON HERE IF WE DON'T HAVE
11 SOMETHING WRITTEN DOWN TO LOOK AT.

12 BOARD MEMBER CHESBRO: YOU DON'T HAVE A
13 COPY OF THAT?

14 CHAIRMAN PENNINGTON: I HAVE A COPY OF
15 THAT.

16 BOARD MEMBER GOTCH: I'LL BE HAPPY TO
17 READ THAT.

18 BOARD MEMBER CHESBRO: I'LL SECOND.

19 CHAIRMAN PENNINGTON: SO NOW WHAT IS IT
20 IN THIS THAT YOU --

21 BOARD MEMBER GOTCH: THIS WOULD BE THE
22 PARAGRAPH THAT BEGINS "BE IT RESOLVED THAT WHILE
23 NO OTHER COMPLIANCE OPTIONS WILL BE ENFORCED AT
24 THIS TIME, THE BOARD REMAINS CONCERNED WITH THE
25 CURRENT LEVEL OF RPPC RECYCLING IN THIS STATE."

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1 I'M USING MR. RELIS' WORD RATHER THAN
2 DISSATISFIED. "AND BE IT FURTHER RESOLVED THAT
3 THE BOARD URGES THE MAKERS OF RPPC'S, ALONG WITH
4 THE CONSUMER PRODUCT COMPANIES THAT USE THEM, TO
5 SIGNIFICANTLY INCREASE THEIR EFFORTS TO DEVELOP
6 MARKETS FOR RECOVERING RPPC'S AND ENSURE THE
7 RECYCLING OF RPPC'S SOLD IN THIS STATE.

8 CHAIRMAN PENNINGTON: OKAY. IT'S BEEN
9 MOVED AND SECONDED THAT WE HAVE A STATEMENT THAT
10 MRS. GOTCH JUST READ. ANY FURTHER DISCUSSION? IF
11 NOT, WILL THE SECRETARY CALL THE ROLL.

12 BOARD SECRETARY: BOARD MEMBER CHESBRO.

13 BOARD MEMBER CHESBRO: AYE.

14 BOARD SECRETARY: FRAZEE.

15 BOARD MEMBER FRAZEE: NO.

16 BOARD SECRETARY: GOTCH.

17 BOARD MEMBER GOTCH: AYE.

18 BOARD SECRETARY: JONES.

19 BOARD MEMBER JONES: NO.

20 BOARD SECRETARY: RELIS.

21 BOARD MEMBER RELIS: AYE.

22 BOARD SECRETARY: CHAIRMAN PENNINGTON.

23 CHAIRMAN PENNINGTON: NO. MOTION
FAILS.

24 WE'LL MOVE ON NOW TO ITEM 30,
WHICH

25 IS THE CITY OF MODESTO CO-COMPOSTING FACILITY.

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1 WE'RE MOVING IT AHEAD BECAUSE THE FOLKS FROM
2 MODESTO ARE UNDER A FLOOD SITUATION DOWN THERE
AND

3 THEY NEED TO GET BACK. SO MOVE TO 30 AND
STAFF.

4 MS. RICE: THANK YOU, MR. CHAIRMAN.
BOB

5 HOLMES WILL MAKE THE PRESENTATION FOR STAFF.

6 MR. HOLMES: GOOD MORNING, MR.
CHAIRMAN

7 AND MEMBERS OF THE BOARD. INITIAL OPERATIONS,
THE

8 CITY OF MODESTO INTENDS TO CO-COMPOST CLASS B
9 BIOSOLIDS FROM ITS SECONDARY WASTEWATER
TREATMENT

10 SYSTEM AND GREEN MATERIAL FEEDSTOCKS GENERATED
BY

11 THE RESIDENTIAL AND LIGHT COMMERCIAL
WASTESTREAMS.

12 THE FACILITY IS LOCATED AT THE CITY'S SECONDARY
13 WASTEWATER TREATMENT FACILITY IN SOUTH
STANISLAUS

14 COUNTY.

15 CO-COMPOSTING OPERATIONS WOULD
OCCUR

16 ON 30 ACRES OF THE TREATMENT FACILITY'S 1300

17 ACRES. THE CITY OWNS A TOTAL OF 4,000 ACRES IN
18 THIS LOCATION.

19 THE REQUESTED DAILY CAPACITY OF
20 THE

21 SITE IS 500 TONS WITH A SITE HOLDING CAPACITY
22 OF

23 21,666 TONS. THE PEAK ANNUAL THROUGHPUT WOULD
24 BE

25 APPROXIMATELY 13,000 TONS. POULTRY OR COW
MANURE

MAY BE USED IN THE EVENT THAT AN ADDITIONAL
SOURCE

OF NITROGEN IS REQUIRED. ONCE THE BIOSOLID
CO-COMPOSTING OPERATIONS ARE UNDER WAY FOR CITY

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1 FEEDSTOCKS, THE CITY WILL EVALUATE THE ECONOMIC
2 FEASIBILITY OF ACCEPTING FEEDSTOCKS FROM OTHER
3 SOURCES, INCLUDING GREEN MATERIALS FROM OTHER
4 COMMUNITIES, MANURES, PLANT WASTE FROM FOOD
5 PROCESSING INDUSTRY, AND OTHER GREEN MATERIALS.

6 THERE WAS ONE CEQA RELATED ISSUE
7 ASSOCIATED WITH THIS PROPOSED PERMIT, AND IT IS
8 THE REASON WHY STAFF HAVE HAD NO RECOMMENDATION TO
9 THIS POINT. DURING THE REVIEW OF THE PERMIT
10 APPLICATION, BOARD STAFF IDENTIFIED SOME APPARENT
11 DIFFERENCES IN THE JANUARY 1995 CERTIFIED NEG DEC
12 FOR THIS PROJECT AND THE PERMIT APPLICATION.

13 BOARD STAFF WORKED WITH THE CITY TO
14 CLARIFY THESE APPARENT DIFFERENCES; AND AS A
15 RESULT, THE CITY PREPARED AN ADDENDUM TO THE NEG
16 DEC. THE ADDENDUM WAS ON THE CONSENT CALENDAR FOR
17 THE MODESTO CITY COUNCIL'S MEETING THE EVENING OF
18 THE PERMITTING AND ENFORCEMENT COMMITTEE. THE
19 COUNCIL APPROVED THE ADDENDUM ON A SEVEN TO ZERO
20 VOTE.

21 BOARD STAFF HAVE DETERMINED THAT THE
22 FACILITY ALSO MEETS ALL OTHER REQUIREMENTS,
23 INCLUDING CONFORMANCE WITH THE COUNTY'S INTEGRATED
24 WASTE MANAGEMENT PLAN AND CONFORMANCE WITH STATE
25 MINIMUM STANDARDS. THE BOARD STAFF, THEREFORE,

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1 RECOMMEND THE BOARD ADOPT PERMIT DECISION NO.
2 97-25, CONCURRING IN THE ISSUANCE OF PERMIT NO.
3 50-AA-0018.

4 REPRESENTATIVES OF THE CITY ARE HERE
5 IF YOU HAVE ANY QUESTIONS. I'M GOING TO ADD THAT
6 THE FACILITY IS HIGH AND DRY AT THIS TIME. THERE
7 IS NO FLOODING IN THIS GENERAL LOCATION.

8 CHAIRMAN PENNINGTON: THEY HAVE TO RETURN
9 FOR A FEMA MEETING. EARLIER FLOOD. ALICE
10 TURLOCK -- TULLOCK.

11 MS. TULLOCK: ALICE TULLOCK, DEPUTY
12 DIRECTOR OF PUBLIC WORKS FOR THE CITY OF MODESTO.
13 I'M HERE REALLY TO ANSWER ANY PARTICULAR QUESTIONS
14 YOU MIGHT HAVE ABOUT THIS PROPOSAL.

15 CHAIRMAN PENNINGTON: ANY QUESTIONS?

16 BOARD MEMBER CHESBRO: MR. CHAIRMAN, AND
17 I'M NOT SURE WHETHER THE CITY WANTS TO ANSWER THIS
18 OR OUR STAFF, BUT YOU TOUCHED ON THE QUESTION OF
19 PROXIMITY TO THE RIVER AND THE FLOOD QUESTION.
20 I'M JUST CURIOUS WHAT LEVEL OF ANALYSIS, EITHER IN
21 CEQA OR THE LAND USE PLAN DOCUMENT OR ANYWHERE
22 ALONG THE WAY, WHAT LEVEL OF ANALYSIS TOOK PLACE
23 TO IDENTIFY WHETHER OR NOT THERE WAS ANY RISKS OR
24 WHAT LEVEL OF RISK THERE MIGHT BE FOR INUNDATION
25 OF THE SITE.

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1 MS. TULLOCK: MOST CERTAINLY THIS LAST
2 COUPLE OF WEEKS HAS SMOKE TESTED ANYTHING WE MIGHT
3 HAVE ANALYZED. THE LOCATION, AS YOU SAY, IS ABOUT
4 6 OR 8 MILES SOUTH OF MODESTO NEAR TO THE SAN
5 JOAQUIN RIVER, AND WE STILL HAVE 7 OR 8 FEET OF
6 LEVEE LEFT BETWEEN THE RIVER AND THE COMPOST SITE.

7 BOARD MEMBER CHESBRO: I HATE TO BE THE
8 DOG IN THE MANGER. SOME LEVEES HAVE BROKEN. AND
9 SO I'M JUST CURIOUS. NOW, THIS IS MONDAY MORNING
10 QUARTERBACKING BECAUSE IF YOU'D HAVE THIS
11 DISCUSSION A FEW MONTHS AGO, I NEVER WOULD HAVE
12 THOUGHT TO ASK ABOUT LEVEE BREAKS. SO I DOUBT
13 THAT IT'S FULLY ANALYZED, BUT I'LL ASK. HAS
14 CONSIDERATION BEEN GIVEN TO THE QUESTION OF, YOU
15 KNOW, SCENARIOS THAT COULD THEORETICALLY OCCUR
16 GIVEN THE FACT THAT WE'VE EXPERIENCED SOME LEVEE
17 BREAKS IN THE VALLEY IN RECENT MONTHS?

18 MS. TULLOCK: THE PARTICULAR LEVEE IN
19 QUESTION, THE CITY OF MODESTO IS ALSO THE RECLAMA-
20 TION DISTRICT FOR THAT LEVEE. SO WE HAVE A VERY
21 KEEN, VESTED INTEREST IN THE MAINTENANCE OF THAT
22 LEVEE. RECENT INSPECTIONS OF THAT LEVEE THIS TWO
23 WEEKS HAS INDICATED THAT IT'S BETTER OFF THAN MANY
24 OF THE OTHER LEVEES. IT'S A FAIRLY YOUNG LEVEE,
25 SO IT MAY NOT HAVE THE AGING PROBLEMS OTHERS DO.

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1 THE COMPOST SITE ITSELF IS AS WELL
2 AT LEAST 7 OR 8 FEET ABOVE THE LOWEST POINT OF THE
3 RIVER RIGHT NOW. SO WE HAVE THE -- THERE WOULD BE
4 A VAST AMOUNT OF SPREADING THAT WOULD HAVE TO
5 OCCUR. AND I THINK IT'S ON THE ORDER OF AT LEAST
6 A HALF A MILE OR MILE AWAY FROM THE LEVEE THAT THE
7 COMPOST SITE IS LOCATED. SO HAVING DRIVEN THROUGH
8 THE MANTECA AREA AND UP THROUGH THE COSUMNES RIVER
9 AREA, YOU CAN UNDERSTAND THE HUGE VOLUMES OF WATER
10 THAT WOULD BE REQUIRED TO SPREAD THAT DISTANCE
11 FROM THE RIVER AND THAT ELEVATION ABOVE A FLOODED
12 LEVEE TO BREAK.

13 BOARD MEMBER CHESBRO: WHEN YOU SAY ABOVE
14 THE LOWEST POINT IN THE RIVER, YOU TALKING ABOUT
15 THE RIVER BOTTOM OR --

16 MS. TULLOCK: WHERE THE LEVEE BREAK WOULD
17 OCCUR, WHERE A BREACH WOULD OCCUR. SO WE WOULD BE
18 LOOKING AT A SEVERAL HUNDRED YEAR STORM RATHER
19 THAN THIS PARTICULAR ACTION.

20 BOARD MEMBER CHESBRO: THANK YOU.

21 CHAIRMAN PENNINGTON: ANY FURTHER
22 QUESTIONS?

23 BOARD MEMBER FRAZEE: JUST WANTED TO MAKE
24 A COMMENT AGAIN ON THIS ONE BECAUSE THIS IS THE
25 CITY OF MODESTO AND THE COUNTY WHERE THEY'RE

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1 OUTSIDE OF THE LOS ANGELES METROPOLITAN AREA WHERE
2 THERE IS A WASTE-TO-ENERGY FACILITY. AND I
3 CONTINUE TO BE IMPRESSED THAT STANISLAUS COUNTY,
4 THE CITY OF MODESTO MOVED FORWARD WITH A PROGRAM
5 SUCH AS THIS IN SPITE OF THE NEGATIVE COMMENTS YOU
6 HEAR ABOUT TRANSFORMATION FACILITIES ONLY PREVENT
7 RECYCLING. AND I THINK WE DISCOVERED WHEN WE HELD
8 OUR BOARD MEETING IN MODESTO THAT THEY'RE ONE OF
9 THE LEADERS IN THE STATE IN RECYCLING EFFORTS.
10 THIS IS JUST ANOTHER PHASE OF THAT.

11 MS. TULLOCK: THANK YOU.

12 CHAIRMAN PENNINGTON: ANY FURTHER
13 QUESTIONS OR DISCUSSIONS? IF NOT, I'LL ENTERTAIN
14 A MOTION.

15 BOARD MEMBER RELIS: I'LL MOVE
16 CONCURRENCE.

17 CHAIRMAN PENNINGTON: MR. RELIS MOVES
18 CONCURRENCE.

19 BOARD MEMBER FRAZEE: I'LL SECOND.

20 CHAIRMAN PENNINGTON: MR. FRAZEE SECONDS.

21 BOARD MEMBER RELIS: DECISION NO. 97-25.

22 CHAIRMAN PENNINGTON: RIGHT. WILL THE
23 SECRETARY CALL THE ROLL.

24 BOARD SECRETARY: BOARD

MEMBER CHESBRO.

25 BOARD MEMBER CHESBRO:

AYE.

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1 BOARD SECRETARY: FRAZEE.

2 BOARD MEMBER FRAZEE: AYE.

3 BOARD SECRETARY: GOTCH.

4 BOARD MEMBER GOTCH: AYE.

5 BOARD SECRETARY: JONES.

6 BOARD MEMBER JONES: AYE.

7 BOARD SECRETARY: RELIS.

8 BOARD MEMBER RELIS: AYE.

9 BOARD SECRETARY: CHAIRMAN PENNINGTON.

10 CHAIRMAN PENNINGTON: AYE. MOTION

11 CARRIES.

12 WE'LL MOVE TO ITEM 23, CONSIDERATION
13 OF RECOMMENDATIONS FOR CHANGES TO THE USED OIL
14 RECYCLING BLOCK GRANTS.

15 MS. FRIEDMAN: GOOD MORNING, CHAIRMAN
16 PENNINGTON AND BOARD MEMBERS. ITEM 23 IS THE
17 CONSIDERATION OF RECOMMENDATIONS FOR CHANGES TO
18 THE USED OIL RECYCLING BLOCK GRANTS. THE
19 CALIFORNIA OIL RECYCLING ENHANCEMENT ACT
MANDATES

20 THE BOARD TO COLLECT 16 CENTS PER GALLON FROM
OIL

21 MANUFACTURERS ON SALES OF NEW LUBRICATING OIL TO
22 FUND ACTIVITIES THAT DISCOURAGE THE ILLEGAL
23 DISPOSAL OF USED OIL, AMONG THE ACTIVITIES

24 MANDATED BY THE ANNUAL BLOCK GRANTS TO CITIES
AND
25 COUNTIES FOR THE IMPLEMENTATION OF LOCAL USED
OIL

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1 COLLECTION PROGRAMS.

2 THE PURPOSE OF TODAY'S ITEM IS TO
3 RECOMMEND CHANGES TO THE BLOCK GRANT CYCLE THAT
4 WILL STREAMLINE THE PROCESS AND IMPROVE THE
5 EFFECTIVENESS OF THE PROGRAM FOR LOCAL
6 GOVERNMENTS. AND THE ITEM REFLECTS CHANGES MADE
7 AT THE DIRECTION OF THE COMMITTEE.

8 WITH THAT, I'LL TURN THE
9 PRESENTATION OVER TO SHIRLEY WILLD-WAGNER,
10 SUPERVISOR OF THE GRANTS AND HOUSEHOLD HAZARDOUS
11 WASTE SECTION.

12 MS. WILLD-WAGNER: GOOD MORNING. AS JUDY
13 MENTIONED, THE PURPOSE OF THE PROGRAM -- THE
14 PURPOSE OF THIS MORNING'S ITEM IS TO RECOMMEND
15 SOME CHANGES TO THE BLOCK GRANTS. THE IMPETUS
16 BEHIND OUR RECOMMENDATIONS IS REALLY TO IMPROVE
17 OUR LEVEL OF SERVICE TO LOCAL GOVERNMENTS.

18 AS YOU ARE AWARE, THE BLOCK GRANTS
19 ARE NONCOMPETITIVE GRANTS. THESE ARE BASICALLY
20 ENTITLEMENT GRANTS THAT ALL JURISDICTIONS IN THIS
21 STATE ARE ELIGIBLE TO RECEIVE. THE ALLOCATIONS
22 ARE BASED UPON THEIR POPULATION, AND BASICALLY
23 IT'S BEEN ABOUT 31 CENTS PER RESIDENT IN THE PAST.

24 STAFF ORIGINALLY RECOMMENDED -- MADE
25 THREE RECOMMENDATIONS FOR CHANGES, AND THIS WAS

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1 HEARD AT THE LOCAL ASSISTANCE AND PLANNING
2 COMMITTEE MEETING ON JANUARY 15TH. THE FIRST
3 RECOMMENDATION WAS TO EXTEND THE GRANT TERM FROM
4 ONE YEAR TO THREE YEARS. THE SECOND IS TO
5 ESTABLISH A MINIMUM GRANT AMOUNT OF \$5,000 FOR
6 ELIGIBLE CITIES AND \$10,000 FOR ELIGIBLE COUNTIES.
7 AND THE THIRD RECOMMENDATION WAS TO APPROVE A
8 PROCESS FOR THE ONGOING AWARD OF THE BLOCK GRANTS.

9 THE COMMITTEE VOTED TO FORWARD THE
10 FIRST TWO RECOMMENDATIONS TO THE BOARD WITH
11 RECOMMENDATION TO APPROVE AND TO FORWARD THE THIRD
12 RECOMMENDATION TO THE BOARD WITHOUT A COMMITTEE
13 RECOMMENDATION.

14 STAFF CONSULTED WITH THE ADVISORS IN
15 THE MEANTIME AND DETERMINED THAT THE THIRD
16 RECOMMENDATION WOULD BE CONSIDERED AND BROUGHT
17 FORWARD AT A LATER DATE, AND STAFF ALSO DEVELOPED
18 AN ADDENDUM TO THE ITEM WHICH IS AVAILABLE IN THE
19 BACK OF THE ROOM. I'LL GO AHEAD AND GO THROUGH
20 THE TWO REMAINING RECOMMENDATIONS AT THIS TIME.

21 THE FIRST IS FOR ESTABLISHING A
22 THREE-YEAR GRANT TERM. THIS WOULD REALLY INCREASE
23 THE FLEXIBILITY FOR LOCAL GOVERNMENTS, HOPEFULLY,
24 TO DO LONG-TERM PLANNING AND EXPEND THEIR BLOCK
25 GRANTS IN THE MOST APPROPRIATE MANNER FOR THE

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1 LOCAL COMMUNITY. JURISDICTIONS THAT HAVE HAD
2 TROUBLE SPENDING THEIR FULL ALLOCATION TO DATE, WE
3 USUALLY WORK ON A FISCAL YEAR CALENDAR WHEREBY
4 EACH JUNE THE JURISDICTION HAS TO DO A COMPLETE
5 CLOSEOUT OF THEIR GRANT PROGRAM, SUBMIT FINAL
6 DOCUMENTS, FINAL REPORTS, AND COMPLETELY ACCOUNT
7 FOR ALL THE MONEY IN THAT FISCAL YEAR. EXTENDING
8 IT TO THREE YEARS WOULD ENABLE THEM TO ROLL OVER
9 ANY UNEXPENDED MONEY INTO THE NEXT FISCAL YEAR
10 FUNDS SO THAT JURISDICTIONS COULD MORE
11 APPROPRIATELY SPEND THE MONEY. WE'RE ALSO
12 CURRENTLY REVERTING A LOT OF THOSE FUNDS, AND BY
13 BEING ABLE TO ROLL THE MONIES OVER, THAT SHOULD
14 EXTEND THAT OPPORTUNITY SO LOCAL GOVERNMENTS WOULD
15 BE ABLE TO SPEND THE MONEY MORE APPROPRIATELY,
16 HOPEFULLY CREATE SOME MORE SIGNIFICANT PROJECTS.

17 A SAMPLE AGREEMENT HAS BEEN ATTACHED
18 TO THE ADDENDUM AS ATTACHMENT C IF YOU HAD ANY
19 SPECIFIC QUESTIONS ON HOW THAT WOULD WORK. THE
20 FUNDS -- THE AGREEMENT WOULD BE WRITTEN FOR A
21 THREE-YEAR PERIOD, BUT THE ACTUAL FUNDS ENCUMBERED
22 WOULD BE NOTICED EACH YEAR TO EACH APPLYING
23 JURISDICTION.

24 THE SECOND RECOMMENDATION IS TO
25 ESTABLISH MINIMUM BLOCK GRANTS, \$5,000 FOR

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1 ELIGIBLE CITIES AND 10,000 FOR ELIGIBLE COUNTIES.
2 AT 31 CENTS PER RESIDENT, MANY SMALL JURISDICTIONS
3 ARE NOT ABLE TO RECEIVE ENOUGH FUNDING TO
4 IMPLEMENT A VIABLE PROGRAM. IN FACT, 180 CITIES
5 ARE ELIGIBLE FOR LESS THAN THE 5,000 THAT'S
6 RECOMMENDED, AND OUT OF THOSE 180, ONLY 19 PERCENT
7 HAVE PARTICIPATED IN THE PAST BLOCK GRANT CYCLES.

8 THE BLOCK GRANT'S MINIMUM SETTING
9 THIS -- ESTABLISHING THIS MINIMUM WILL ENABLE US
10 TO REACH A FAR GREATER PERCENTAGE OF THE STATE.
11 LARGER AGENCIES WILL STILL RECEIVE 31 CENTS PER
12 RESIDENT AS ESTABLISHED IN THE STATUTE AND WOULD
13 NOT BE AFFECTED BY THE CHANGE.

14 THE FUNDING FOR FUNDING DIFFERENTIAL
15 COSTS FOR THESE BLOCK GRANTS WOULD ACTUALLY COME
16 FROM THE PROMOTION LINE ITEM IN THE CALIFORNIA
17 RECYCLING ACT. AND THE MONEY IN THE PROMOTION
18 FUND IS AT THE BOARD'S DISCRETION TO BE USED FOR
19 LOCAL GOVERNMENT OPPORTUNITIES TO INCREASE USED
20 OIL COLLECTION. SO THAT'S AT THE BOARD'S
21 DISCRETION, AND THE STAFF IS RECOMMENDING THAT
22 WE
23 USE A LITTLE BIT OF THAT DISCRETIONARY MONEY TO
24 FUND THE MINIMUM BLOCK GRANTS.

ARE THERE ANY QUESTIONS AT THIS

25

TIME?

78

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1 BOARD MEMBER CHESBRO: MR. CHAIRMAN, AS
2 STAFF INDICATED, THE COMMITTEE DID RECOMMEND THE
3 ITEMS 1 AND 2, WHICH INVOLVED STREAMLINING AND
4 TRYING TO BE MORE EQUITABLE TO THE SMALLER
5 JURISDICTIONS, PROVIDING THEM WITH A MINIMUM
6 FUNDING LEVEL.

7 ON THE THIRD ONE, THERE WAS NOT
8 COMFORT LEVEL AMONG THE COMMITTEE MEMBERS WITH THE
9 IDEA OF COMPLETELY DELEGATING THE ISSUE TO STAFF.
10 AND HOWEVER, WE REALIZED IN THE MIDDLE OF THE
11 CONVERSATION THAT THE ACTUAL GRANT AWARD PROCESS
12 TAKES PLACE AT THE ADMINISTRATION COMMITTEE, AND
13 SO WE DIDN'T ACT ON THAT PARTICULAR RECOMMENDATION
14 AND ASKED THAT THE CHAIR'S OFFICE BE CONSULTED,
15 THE CHAIR OF THAT COMMITTEE'S OFFICE, MR.
16 PENNINGTON, BE CONSULTED. AND SO WE ARE
17 RECOMMENDING 1 AND 2, AND I UNDERSTAND THAT NO. 3
18 AT THIS POINT HAS BEEN WITHDRAWN, SO I WOULD MOVE
19 ITEMS 1 AND 2.

20 CHAIRMAN PENNINGTON: OKAY. FINE.

21 BOARD MEMBER GOTCH: I'LL SECOND.

22 CHAIRMAN PENNINGTON: WE HAVE HAD A
23 MOTION AND IT'S BEEN SECONDED. ANY FURTHER
24 DISCUSSION? IF NOT, WILL THE SECRETARY CALL THE
25 ROLL.

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1 BOARD SECRETARY: BOARD MEMBER CHESBRO.

2 BOARD MEMBER CHESBRO: AYE.

3 BOARD SECRETARY: FRAZEE.

4 BOARD MEMBER FRAZEE: AYE.

5 BOARD SECRETARY: GOTCH.

6 BOARD MEMBER GOTCH: AYE.

7 BOARD SECRETARY: JONES.

8 CHAIRMAN PENNINGTON: HE STEPPED OUT OF
9 THE ROOM.

10 BOARD SECRETARY: RELIS.

11 BOARD MEMBER RELIS: AYE.

12 BOARD SECRETARY: CHAIRMAN PENNINGTON.

13 CHAIRMAN PENNINGTON: AYE. MOTION
14 CARRIES.

15 SO NOW MOVE TO ITEM 27,
16 CONSIDERATION OF A REVISED SOLID WASTE FACILITY
17 PERMIT FOR THE WESTERN REGIONAL SANITARY LANDFILL
18 IN PLACER COUNTY. WE'RE FINALLY GETTING TO YOUR
19 ITEM.

20 MS. RICE: THANK YOU, MR. CHAIRMAN.
21 SADIE GALOS WILL MAKE THE PRESENTATION FOR STAFF.
22 REPRESENTATIVE OF THE LEA, DAVE ALTMAN, IS ALSO
23 PRESENT.

24 MS. GALOS: YES. GOOD MORNING, MR.
25 CHAIRMAN AND BOARD MEMBERS. THIS ITEM REGARDS
THE

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1 CONSIDERATION OF CONCURRENCE OF A REVISED SOLID
2 WASTE FACILITY PERMIT FOR THE WESTERN REGIONAL
3 SANITARY LANDFILL IN PLACER COUNTY. WHEN THIS
4 PERMIT WAS PRESENTED TO THE PERMITTING AND
5 ENFORCEMENT COMMITTEE ON JANUARY 7TH, THE
6 COMMITTEE VOTED TO PLACE THE ITEM ON THE CONSENT
7 AGENDA; HOWEVER, REQUEST HAS BEEN MADE THAT IT BE
8 REMOVED FROM THE CONSENT.

9 THE PROPOSED PERMIT BEFORE
THE BOARD

10 TODAY WOULD CHANGE THE OPERATOR FROM
WESTERN

11 PLACER RECOVERY COMPANY TO THE WESTERN
PLACER

12 WASTE MANAGEMENT AUTHORITY, INCREASE THE
MAXIMUM

13 TONNAGE FROM 315 TONS PER DAY TO 1200 PER
TONS PER

14 DAY, CHANGE THE HOURS OF OPERATION,
INCREASE THE

15 PERMITTED DEPTH OF EXCAVATION FROM 35 TO
42 FEET

16 BELOW EXISTING GRADES, AND INCREASE THE
PERMITTED

17 FINAL GRADE ELEVATION FROM 35 TO 60 FEET
ABOVE

18 EXISTING GRADES TO A MAXIMUM ELEVATION OF
19 180 FEET
20 ABOVE MEAN SEA LEVEL. IT WOULD ALSO
21 REDUCE THE
22 FACILITY BOUNDARY SIZE FROM 320 ACRES TO
23 291
24 ACRES, INCLUDE CONSTRUCTION OF BASELINERS
25 AND
26 FINAL COVER, THE ADDITION OF LEACHATE
27 COLLECTION
28 AND GAS CONTROL SYSTEMS, AND CONSTRUCTION
29 OF THREE
30 TO SIX FOOT VISUAL SCREENING MOUNDS ALONG
31 THE
32 LANDFILL PERIMETER.

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1 THE LEA AND BOARD STAFF HAVE
2 DETERMINED THAT THE FACILITY'S DESIGN AND
3 OPERATION ARE IN COMPLIANCE WITH STATE MINIMUM
4 STANDARDS FOR SOLID WASTE HANDLING AND DISPOSAL
5 EXCEPT FOR POSSIBLE VIOLATION OF ELEVATED GAS
6 READINGS AT THE FACILITY BOUNDARY. THIS HAS BEEN
7 ADDRESSED BY THE LOCAL ENFORCEMENT AGENCY BY
8 ISSUANCE OF NOTICE AND ORDER 96-01, DATED DECEMBER
9 20, 1996, WHICH REQUIRES CORRECTIVE ACTION.

10 THE FACILITY IS IDENTIFIED AND
11 DESCRIBED IN THE PLACER COUNTY SITING ELEMENT AND
12 IS IN CONFORMANCE WITH THE PLACER COUNTY GENERAL
13 PLAN. THE ENVIRONMENTAL IMPACT REPORT PREPARED
14 FOR COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL
15 QUALITY ACT IS ADEQUATE FOR THE BOARD'S
16 EVALUATION.

17 IN CONCLUSION, STAFF RECOMMEND THAT
18 THE BOARD ADOPT RESOLUTION 97-27, CONCURRING IN
19 THE ISSUANCE OF SOLID WASTE FACILITY PERMIT NO.
20 31-AA-0210.

21 REPRESENTATIVES FOR THE OPERATOR AND
22 PROPOSED CONTRACT OPERATOR, WESTERN PLACER
23 RECOVERY COMPANY, AND ALSO REPRESENTATIVES FOR THE
24 PROPOSED OPERATOR, WESTERN PLACER WASTE MANAGEMENT
25 AUTHORITY, ARE HERE TO RESPOND TO ANY CONCERNS OR

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1 QUESTIONS.

2 THIS CONCLUDES STAFF'S PRESENTATION.

3 CHAIRMAN PENNINGTON: ANY QUESTIONS OF
4 STAFF?

5 BOARD MEMBER GOTCH: MR. CHAIR, FOR THE
6 RECORD, I DON'T HAVE ANY QUESTIONS OF STAFF, BUT I
7 HAD JUST RECEIVED THIS LETTER THAT WAS BROUGHT UP
8 EARLIER IN THE DAY. AND IT'S TO ALL THE BOARD
9 MEMBERS FROM STEPHEN KOSTKA AND EDWARD STROHBEHN
10 OF MCCUTCHEN, DOYLE, BROWN & ENERSON REGARDING
11 THIS ITEM, ITEM NO. 27.

12 CHAIRMAN PENNINGTON: OKAY. YOU'RE EX
13 PARTEING THAT FOR ALL OF US?

14 BOARD MEMBER GOTCH: YES, I AM.

15 CHAIRMAN PENNINGTON: THANK YOU.
16 QUESTIONS OF THE STAFF? IS THE LEA HERE AND WISH
17 TO MAKE ANY COMMENTS?

18 MR. ALTMAN: YES. I'M DAVID ALTMAN WITH
19 THE PLACER COUNTY LEA. I'D LIKE TO ACKNOWLEDGE
20 FIRST THIS PERMIT HAS BEEN A LONG TIME IN COMING.
21 AND THAT TO BRING THE ISSUE TO A HEAD AND
22 ULTIMATELY GET A PERMIT ISSUED PURSUANT TO THE
23 WASTE BOARD'S PERMIT AND ENFORCEMENT POLICY,
WE'VE

24 ISSUED NOTICE AND ORDERS 92-01 AND A STIPULATED
25 ORDER 94-01, AND THE OPERATOR HAS BEEN IN

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1 COMPLIANCE WITH THE TASK DEADLINES FOR THE STIP.
2 AND THE FINAL TASK OBVIOUSLY IS THE ISSUANCE OF
3 THE SOLID WASTE FACILITY PERMIT.

4 AS PART OF THE STIPULATED ORDER, GAS
5 WAS ADDRESSED TO INCLUDE INSTALLATION OF MONITOR-
6 ING AND PERIMETER CONTROL SYSTEMS. THAT'S BEEN
7 DONE. THE GAS LEVELS HAVE BEEN DROPPING SIGNIFI-
8 CANTLY SINCE THE INSTALLATION OF THE CONTROL
9 SYSTEM, ALTHOUGH THERE HAVE STILL BEEN A FEW SPOTS
10 THAT HAVE EXCEEDED THE 5 PERCENT AT THE PERIMETER.
11 TO ADDRESS THAT, WE'VE ISSUED A COMPLIANCE ORDER
12 96-01, WHICH HAS A DATE SPECIFIC THAT GAS SHALL BE
13 UNDER CONTROL AT THE SITE.

14 IT SHOULD ALSO BE NOTED THAT IN OUR
15 PROPOSED PERMIT WE DIDN'T ADDRESS ANY GROUNDWATER
16 ISSUES PURSUANT TO THE DIRECTIVES OF AB 1220. WE
17 FELT THAT GROUNDWATER CONCERNS ARE BEST ADDRESSED
18 THROUGH THE WDR'S AND THE WATER BOARD.

19 IN CONCLUSION, WE FEEL THAT WE'VE
20 APPROPRIATELY PREPARED THE REVISED SOLID WASTE
21 FACILITY PERMIT, AND WE STAND BEHIND IT AS
22 WRITTEN. THANK YOU. ANSWER ANY QUESTIONS.

23 CHAIRMAN PENNINGTON: ANY QUESTIONS?

MR.

24 CHESBRO.

25 BOARD MEMBER CHESBRO: I'D LIKE A

LITTLE

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1 MORE INFORMATION ABOUT THE SITUATION YOU SAID AT
2 THE PERIMETER, THAT THE GAS LEVELS HAVE NOT BEEN
3 DROPPING.

4 MR. ALTMAN: NO. THE GAS LEVELS HAVE
5 BEEN DROPPING SIGNIFICANTLY AT THE PERIMETER.
6 THERE ARE TWO WELLS WHICH HAVE HAD SOME SPIKES,
7 AND ON TWO OCCASIONS WE'VE ACTUALLY HAD ALL WELLS
8 BELOW THE 5 PERCENT AT THE PERIMETER.

9 BOARD MEMBER CHESBRO: DESCRIBE SPIKES.
10 I MEAN ARE YOU TALKING ABOUT --

11 MR. ALTMAN: 10 PERCENT AND 5 PERCENT.

12 BOARD MEMBER CHESBRO: FOR WHAT KIND OF
13 DURATION OF TIME?

14 MR. ALTMAN: IT'S PRETTY MUCH THE LEVELS
15 HAVE FLUCTUATED UP AND DOWN IN EXCESS OF THE 5
16 PERCENT, IN THE 10 PERCENT RANGE, FOR A NUMBER OF
17 MONTHS; BUT OVERALL WHEN WE STARTED MONITORING, WE
18 HAD LEVELS IN THE RANGE OF 70 PERCENT, AND SO
19 WE'VE DROPPED SIGNIFICANTLY ON THAT.

20 IT ALSO SHOULD BE NOTED THAT THE
21 PROBLEM AREAS ARE ADJACENT TO THE EARLIEST OF THE
22 CELLS AT THE LANDFILL AND ARE -- BASICALLY WE'VE
23 GOT A POINT ON THE EAST AND A POINT ON THE WEST
24 SIDE THAT HAVE BEEN A PROBLEM. THE SOUTH AND THE
25 NORTH PERIMETERS HAVE NOT SHOWN ANY EXCESS GAS.

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1 ALL THOSE READINGS HAVE BEEN IN THE PARTS PER
2 MILLION RANGE.

3 BOARD MEMBER CHESBRO: WELL, I'VE PUSHED
4 AND I KNOW I'VE HEARD OTHER BOARD MEMBERS SAY THIS
5 AND I THINK STAFF HAS BEEN DIRECTED TO WORK ON
6 PERMITS NOT JUST AS A STAMP OF EXISTING
7 ACTIVITIES, BUT ACTUALLY TO HELP DRIVE COMPLIANCE
8 AND INCREASE THE COMPLIANCE. AND SO I GUESS WHAT
9 I'M LOOKING FOR IS COMFORT LEVEL THAT THERE'S, IN
10 FACT, A PLAN IN PLACE THAT WILL SOLVE THE PROBLEM
11 AT THE PERIMETER IN THESE PARTICULAR WELLS.

12 MR. ALTMAN: TO PURSUE THAT, WE'VE ISSUED
13 A COMPLIANCE ORDER 96-01, WHICH INCLUDES THREE
14 TASKS: THE CAPPING OF THOSE EARLY CELLS, THE
15 INSTALLATION OF SOME INFILL WELLS WITH A FINAL
16 COMPLIANCE DATE SET. IT'S CURRENTLY FELT THAT
17 PART OF THE PROBLEM NOW WE'VE DRAWN THE GAS LEVELS
18 DOWN AT THE PERIMETER SIGNIFICANTLY, THAT THE GAS
19 MAY, IN FACT, BE MIGRATING TOWARDS THE PERIMETER;
20 WHEREAS, IF WE PUT MORE INFILL WELLS IN, THEN
21 WE'LL DRAW IT TOWARDS THE CENTER OF THE SITE.

22 BOARD MEMBER CHESBRO: WERE THERE
23 SPECIFIC STEPS TO ADDRESS THIS ISSUE THAT HAD BEEN
24 IN PLACE PREVIOUSLY THAT HAVE NOT BEEN COMPLIED
25 WITH IN TERMS OF -- YOU'RE TALKING ABOUT A 96-01

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1 ORDER TO CORRECT THE SITUATION, BUT WHAT HAD BEEN
2 THE STEPS THAT HAD BEEN IN PLACE PRIOR?

3 MR. ALTMAN: THE STIPULATED ORDER
4 REQUIRED THE INSTALLATION OF A CONTROL --
5 PERIMETER CONTROL SYSTEM, WHICH WAS INSTALLED.
6 THEY HAD SOME DELAYS AND, IN FACT, ADMINISTRATIVE
7 CIVIL PENALTIES WERE LEVIED AGAINST THE OPERATOR,
8 BUT THE SYSTEM DID, IN FACT, WAS FINALLY COMPLIED
9 WITH AND IS IN OPERATION AND HAS BEEN IN
10 OPERATION. AND THE GAS LEVELS SINCE OPERATION
11 COMMENCED HAVE DROPPED.

12 BOARD MEMBER CHESBRO: SO HOW WILL THE
13 ADDITIONAL -- WHAT SPECIFIC ADDITIONAL STEPS WILL
14 GET IT IN FULL COMPLIANCE?

15 MR. ALTMAN: CLOSURE OF THE EARLY CELLS
16 SHOULD REDUCE THE WATER THAT MIGHT BE PERCOLATING
17 THROUGH THOSE.

18 BOARD MEMBER CHESBRO: BY REDUCING GREEN
19 WATER INFILTRATION?

20 MR. ALTMAN: YES.

21 BOARD MEMBER CHESBRO: ESSENTIALLY BE
22 CAPPED?

23 MR. ALTMAN: YES, IT WILL BE CAPPED.

24 BOARD MEMBER CHESBRO: WHEN IS THAT
25 EXPECTED?

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1 MR. ALTMAN: THAT WILL OCCUR IN THE
2 SUMMER OF 1997, THIS COMING SUMMER. THE INFILL
3 WELLS WILL BE IN BY FALL OF THIS YEAR. AND THEN
4 BECAUSE YOU RECOGNIZE AGAIN IT TAKES TIME FOR
5 THOSE SYSTEMS TO DROP THE GAS, WE'VE GOT AN
6 ULTIMATE CUTOFF DATE NEXT YEAR TO -- THAT THEY
7 SHALL HAVE ALL THE GAS IN COMPLIANCE.

8 BOARD MEMBER CHESBRO: THANKS.

9 CHAIRMAN PENNINGTON: ANY ADDITIONAL
10 QUESTIONS FOR THE LEA? OKAY. THANK YOU. NEXT
11 WE'LL CALL ON WILL DICKINSON.

12 MR. DICKINSON: THANK YOU, MR. CHAIRMAN.
13 MY NAME IS WILL DICKINSON. I SERVE AS ONE OF THE
14 STAFF MEMBERS TO THE WESTERN PLACER WASTE
15 MANAGEMENT AUTHORITY, WHICH IS THE APPLICANT FOR
16 THE PERMIT.

17 FIRST OF ALL, THE LETTER THAT YOU'VE
18 JUST REFERRED TO FROM STANFORD RANCH, WHICH CAME
19 INTO US 6:30 LAST NIGHT, I HAVE HAD SOME CHANCE TO
20 REVIEW AND WOULD LIKE TO MAKE SOME COMMENTS TO
21 THAT. BUT TO START OFF WITH, I'D LIKE TO EXPLAIN
22 A LITTLE BIT ABOUT THE OVERALL DIFFICULTY OF THE
23 PERMITTING PROCESS AND WHY IT TAKES SO LONG AND
24 WHY THIS LATEST LETTER FROM STANFORD RANCH IS
25 PARTICULARLY ANNOYING AND SOMETHING THAT I THINK

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1 THAT YOU SHOULD CONSIDER, BUT ULTIMATELY
2 DISREGARD.

3 THROUGHOUT -- THE FIRST THING YOU
4 HAVE TO DO WHEN YOU WANT TO MAKE MAJOR CHANGES AT
5 A LANDFILL SUCH AS THE ONES WE'RE PROPOSING IS
6 OUTLINE FOR YOUR CEQA CONSULTANT WHAT THOSE
7 CHANGES WILL BE. WAY THAT WE TYPICALLY DO THAT IS
8 WE HAVE AN ENGINEERING CONSULTANT PREPARE AN RDSI
9 AND A CLOSURE PLAN. CEQA CONSULTANT TAKES THAT
10 INFORMATION AND PREPARES AN EIR. THAT WHOLE
11 PROCESS TAKES ABOUT TEN MONTHS.

12 WITHIN THAT TEN MONTHS OFTENTIMES
13 THINGS CHANGE IN YOUR OPERATION. YOU HAVE TO TRY
14 TO WRITE YOUR CEQA DOCUMENT TO ANTICIPATE ALL
15 THOSE CHANGES. THEN YOU HAVE TO GO BACK AND
16 REVISE YOUR RDSI AND YOUR CLOSURE PLAN TO ADDRESS
17 ANY ENVIRONMENTAL MITIGATION MEASURES YOU INCLUDED
18 IN THOSE -- IN YOUR CEQA DOCUMENT SO THAT EVERY-
19 THING IS ALL UP TO THE MINUTE EXACTLY RIGHT.

20 AND THAT IS A LOT MORE CHALLENGING
21 THAN YOU MAY REALIZE BECAUSE YOU GET NEW
22 REGULATIONS, YOU WANT TO CHANGE YOUR OPERATIONS
23 FOR VARIOUS REASONS, IT'S VERY DIFFICULT TO GET A
24 SNAPSHOT IN ONE TIME WHEN WE CAN SIT BEFORE YOU
25 WHERE EVERYTHING IS A HUNDRED PERCENT ACCURATE.

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1 I THINK WE HAVE DONE THAT WITH THIS
2 PERMIT APPLICATION EVEN THROUGH ALL THE
3 DIFFICULTY. NOW STANFORD RANCH WANTS TO COME IN
4 AT THE VERY LAST MINUTE AND TRY TO CONVINCE YOU
5 THAT THERE'S SIGNIFICANT NEW INFORMATION THAT YOU
6 SHOULD CONSIDER. I'D LIKE TO ARGUE WHY, ALTHOUGH
7 THERE MAY BE SOME NEW INFORMATION, THERE WILL
8 ALWAYS BE NEW INFORMATION. THIS IS NOT
9 SIGNIFICANT NEW INFORMATION.

10 FIRST OF ALL, A LITTLE MORE
11 BACKGROUND. WE PREPARED A GAS MONITORING MASTER
12 PLAN, WHICH WAS APPROVED OCTOBER 1992. WE HAVE
13 BEEN FOLLOWING THAT GAS MONITORING MASTER PLAN
14 VERY CAREFULLY. WE SPENT \$1.3 MILLION ON A
15 PERIMETER SYSTEM TO COLLECT THAT GAS. THAT
16 OBVIOUSLY TAKES SOME TIME TO DEVELOP A CONTRACT OF
17 THAT SCOPE AND GET THE CONSTRUCTION WORK DONE.

18 THIS SYSTEM SO FAR HAS BEEN VERY
19 SUCCESSFUL IN REDUCING THE GAS THAT'S MIGRATING
20 OFF SITE; WHEREAS, WE WERE GETTING READINGS AS
21 HIGH AS 87 PERCENT METHANE PRIOR TO INSTALLATION
22 OF THE SYSTEM, WE'RE NOW GETTING THE READINGS THAT
23 DAVE MENTIONED. SOME MONTHS WE GET HUNDRED
24 PERCENT COMPLIANCE; SOME MONTHS WE HAVE A FEW
25 WELLS HERE AND THERE THAT RANGE BETWEEN 5 AND 10

23 EXCESS OF 5 PERCENT HAS EVER BEEN RECORDED ON OR
24 NEAR SANFORD RANCH PROPERTY LINE, AT LEAST BY
OUR
25 CONSULTANTS OR OUR ENGINEERS.

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1 I ALSO THINK THAT STANFORD -- IT'S
2 RIDICULOUS FOR STANFORD RANCH TO ARGUE THAT WE
3 HAVE BEEN CONSISTENTLY OUT OF COMPLIANCE AND AT
4 THE SAME TIME SAY THAT THERE'S SIGNIFICANT NEW
5 INFORMATION ABOUT GAS. THEY'RE SAYING THEY'VE
6 ALWAYS KNOWN IT'S A PROBLEM, EVERYONE HAS ALWAYS
7 KNOWN THERE IT'S A PROBLEM, HOW CAN IT BE
8 SIGNIFICANT NEW INFORMATION?

9 BOTH THE GAS -- THE GAS AND WATER
10 PROBLEMS, TO THE EXTENT THEY EXIST, WERE CREATED
11 BY LANDFILLING WHICH OCCURRED IN THE EARLY 1980S.
12 THESE WILL REMAIN AS ISSUES REGARDLESS OF WHETHER
13 WE CLOSE OUR FACILITY TODAY. FAILURE FOR US TO
14 OBTAIN THIS REVISED PERMIT ONLY MAKES IT MORE
15 DIFFICULT TO PUT IN PLACE THE CONTROL MEASURES
16 THAT WILL TAKE CARE OF THE PROBLEM. AND AS
DAVE

17 HAS MENTIONED, SOLUTION TO THE PROBLEMS ARE
PART
18 OF OUR PERMIT APPLICATION. WE WANT TO PUT ON
THE
19 FINAL COVER AND WE WANT TO PUT IN THE INFILL
20 WELLS.

21 TO SUM UP, WE REALLY WANT TO GET
OUR

22 PERMIT TODAY. WE THINK THAT ANY ADDITIONAL
DELAYS
23 WOULD BE TOTALLY NONPRODUCTIVE. WE'VE HEARD
ALL
24 OF THESE ARGUMENTS BEFORE. YOUR STAFF HAS
HEARD
25 THEM AND CONSIDERED THEM. OUR BOARD, WHEN THEY

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1 APPROVED THE EIR, HAD HEARD THESE ARGUMENTS AND
2 CONSIDERED THEM. ANY FURTHER DELAYS WILL ONLY
3 MAKE THE POTENTIAL FOR SOMETHING NEW TO CHANGE
4 MORE LIKELY AND WILL ONLY ALLOW STANFORD RANCH TO
5 WASTE A LOT OF OUR STAFF TIME AND LOT OF YOUR
6 PEOPLE'S STAFF TIME.

7 I HAVE IN THE AUDIENCE HERE WITH ME
8 TODAY TO ANSWER ANY ADDITIONAL QUESTIONS YOU HAVE
9 OUR ENGINEERING CONSULTANT, TOM HOLDRIDGE OF
10 HOLDRIDGE & KULL. TO THE EXTENT THAT YOU FEEL
11 IT'S NECESSARY TO TALK ABOUT WATER QUALITY ISSUES,
12 HE CAN HELP ADDRESS THOSE. OUR ATTORNEY, TIM
13 TAYLOR, IS IN THE AUDIENCE AND OUR EIR PREPARER,
14 DOUG BROWN, IS IN THE AUDIENCE. THANK YOU VERY
15 MUCH.

16 CHAIRMAN PENNINGTON: QUESTIONS?

17 BOARD MEMBER FRAZEE: THE PERMIT CALLS
18 FOR A REDUCTION IN THE FOOTPRINT OF THE LANDFILL;
19 IS THAT CORRECT?

20 MR. DICKINSON: THAT'S ACTUALLY ALREADY
21 TAKEN PLACE BECAUSE WE TOOK A PORTION OF THE AREA
22 FOR OUR MATERIAL RECOVERY FACILITY.

23 BOARD MEMBER FRAZEE: SO THAT'S THE
24 ACTUAL REDUCTION. THE PROPERTY PERIMETERS HAVE
25 NOT CHANGED.

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1 MR. DICKINSON: NO.

2 BOARD MEMBER FRAZEE: THE AREAS IN WHICH
3 YOU'VE HAD HIGH GAS READINGS HAVE BEEN ON THE
4 EXTREME NORTH OF THE PROPERTY?

5 MR. DICKINSON: I BELIEVE THEY HAVE BEEN
6 THE EAST.

7 BOARD MEMBER FRAZEE: THAT'S WHERE THE
8 OLD CELLS ARE.

9 MR. DICKINSON: EAST AND THE WEST.

10 BOARD MEMBER FRAZEE: I'M ORIENTING THE
11 MAP HERE.

12 MR. DICKINSON: NORTHEAST AND NORTHWEST,
13 I SHOULD SAY. YES. YOU COULD CHARACTERIZE THEM
14 GENERALLY AS BEING IN THE NORTH PORTION.

15 BOARD MEMBER FRAZEE: THE PLAN OF
16 DEVELOPMENT MOVES SOUTHWARD ON THE SITE.

17 MR. DICKINSON: YES.

18 BOARD MEMBER FRAZEE: AND ALL THOSE NEW
19 CELLS WILL BE SUBTITLE D STANDARDS WITH LINERS AND
20 WOULD TEND, THEN, TO HAVE A BLOCKING EFFECT OF ANY
21 OLD GAS PROBLEMS THAT EXIST TO THE NORTH OF THAT.

22 MR. DICKINSON: I BELIEVE THAT TO BE THE
23 CASE ALTHOUGH I'M NOT AN ENGINEER.

24 BOARD MEMBER FRAZEE: I'M NOT EITHER.
25 I'M JUST SUPPOSING THAT WHEN YOU PUT A LINER 40

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1 FEET DEEP IN THE GROUND, IT'S GOING TO PREVENT --
2 IF IT PREVENTS GAS FROM ESCAPING, IT ALSO PREVENTS
3 IT FROM MIGRATING, I WOULD HAVE TO ASSUME.

4 ON LAND USE IN THIS AREA, DOES
5 PLACER COUNTY HAVE A BUFFER AREA, A NONRESIDENTIAL
6 BUFFER AREA AROUND?

7 MR. DICKINSON: YES. AND THAT'S, OF
8 COURSE, THE BONE OF CONTENTION HERE. I BELIEVE IT
9 WAS APRIL 1994 WE WENT TO -- WHILE OUR PLACER
10 BOARD OF SUPERVISORS WAS CONSIDERING THE GENERAL
11 PLAN, WE ASKED, STAFF AT THE WESTERN PLACER
WASTE

12 MANAGEMENT AUTHORITY ASKED TO PUT IN PLACE A ONE
13 MILE ZONE AROUND THE LANDFILL IN WHICH HOUSES
14 COULD NOT BE DEVELOPED. SO IT'S NOT A BUFFER TO
15 THE EXTENT THAT OTHER TYPES OF DEVELOPMENT CAN'T
16 OCCUR. BUT THAT WAS APPROVED AND IS PART OF OUR
17 GENERAL PLAN NOW.

18 BOARD MEMBER FRAZEE: I THINK THAT'S
ALL

19 I HAVE.

20 CHAIRMAN PENNINGTON: THANK YOU. ANY
21 QUESTIONS? OKAY. THANK YOU. NEXT WE'LL HAVE
22 BARBARA SCHUSSMAN.

23 LET ME FIRST APOLOGIZE TO YOU FOR
24 GIVING YOU A STARTLE THIS MORNING. I DON'T

THINK

25 MY COFFEE HAD KICKED IN YET.

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1 MS. SCHUSSMAN: THAT'S OKAY. MINE HAD,
2 SO I ROSE QUICKLY. GOOD MORNING ONCE AGAIN. MY
3 NAME IS BARBARA SCHUSSMAN. I REPRESENT PLACER
4 RANCH INCORPORATED. WE'VE BEEN CALLED STANFORD
5 RANCH IN THE PAST. STANFORD RANCH WAS SOLD TO
6 ANOTHER COMPANY. PLACER RANCH IS THE COMPANY THAT
7 OWNS THE PROPERTY IMMEDIATELY SOUTH OF THE
8 LANDFILL, AND I ALSO NOTE THAT OUR PROPERTY
9 EXTENDS UP AND IS ALSO EAST OF THE LANDFILL.

10 PLACER RANCH HAS RECEIVED APPROVALS
11 FROM THE COUNTY TO SUBDIVIDE AND DEVELOP ONE
12 PORTION OF ITS PROPERTY FOR INDUSTRIAL AND
13 COMMERCIAL USES. CURRENTLY PLACER RANCH IS
14 WORKING WITH THE COUNTY ON PLANS TO BUILD AN
15 AMPHITHEATER ON THE PROPERTY. THE AMPHITHEATER
16 PROPERTY IS THE PROPERTY NOT ONLY TO THE SOUTH OF
17 THE LANDFILL, BUT ALSO TO THE EAST OF THE
18 LANDFILL.

19 BEFORE ANY USE CAN BE MADE OF
PLACER
20 RANCH'S PROPERTY, THE LANDFILL MUST BECOME A
GOOD
21 NEIGHBOR. WE MUST ENSURE THAT THE ENVIRONMENTAL
22 LAWS ARE FOLLOWED AND THAT THE HEALTH AND SAFETY
23 OF THE PEOPLE ON THIS PROPERTY WILL BE
PROTECTED.

24 AS THE BOARD IS AWARE, THE LANDFILL HAS BEEN
25 VIOLATING ENVIRONMENTAL LAWS SINCE 1992 AND HAS

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1 BEEN VIOLATING THE TERMS OF ITS SOLID WASTE
2 FACILITIES PERMIT FOR MANY YEARS.

3 THE GENERAL COURSE OF ACTION TAKEN
4 BY THE COUNTY SEEMS TO BE TO DISREGARD THE RULES
5 IN PLACE AND THEN WHEN THEY'RE FOUND IN VIOLATION,
6 TO DEVELOP A SCHEDULE FOR COMPLIANCE. WE'VE YET
7 TO SEE ANY REAL COMPLIANCE. METHANE GAS TRAVELING
8 OFF SITE CONTINUES TO BE AT EXPLOSIVE LEVELS.
9 YOU'VE JUST HEARD FROM THE LEA THAT LEVELS ARE UP
10 TO 10 PERCENT. ANYTHING ABOVE 5 PERCENT IS
11 EXPLOSIVE.

12 THE 1994 STIPULATED ORDER BY THE LEA
13 REQUIRED THE LANDFILL TO BRING ITS OPERATIONS INTO
14 COMPLIANCE BY 1995. THAT DIDN'T HAPPEN. THE
15 LANDFILL DID BUILD A GAS CONTROL SYSTEM. HOWEVER,
16 WITH THAT GAS CONTROL SYSTEM FULLY OPERATIONAL,
17 LEVELS STILL EXCEED 5 PERCENT AT THE BORDERS.
18 MONITORING HAS GONE ON FOR ONE YEAR. LEVELS WERE
19 STILL FOUND IN EXCESS AND THE AUTHORITY DID
20 ABSOLUTELY NOTHING.

21 IT WAS NOT UNTIL STAFF FROM THIS
22 BOARD CONTACTED THE LEA TO SAY YOU NEED TO TAKE
23 ENFORCEMENT ACTION THAT 96-01 WAS ISSUED. THE
24 SCHEDULE OF COMPLIANCE IN 96-01 DOES NOTHING.

ALL

25 THAT THAT SCHEDULE DOES IS SAY PROCEED WITH
THE

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1 CLOSURE PLANS THAT YOU WERE ALREADY GOING TO
2 PROCEED WITH. NO ACTION NEEDS TO OCCUR UNTIL
3 SEPTEMBER OF THIS YEAR. COMPLIANCE DOES NOT HAVE
4 TO BE REACHED UNTIL LATE 1998.

5 THIS HAS BEEN A SITUATION THAT'S
6 BEEN OUT OF COMPLIANCE FOR YEARS. COMPLIANCE
7 NEEDS TO OCCUR MORE QUICKLY. THERE ARE NO
8 ASSURANCES THAT ANY PROGRAM IN THAT STIPULATED
9 ORDER WILL WORK. IN FACT, THE LANDFILL'S OWN
10 EXPERTS HAVE STATED IN THEIR REPORTS AS RECENTLY
11 AS NOVEMBER OF 1996 THAT THEY DON'T KNOW WHY THE
12 METHANE GAS LEVELS HAVE NOT BEEN BROUGHT DOWN TO
13 COMPLIANCE LEVELS.

14 IT IS NOT THE GOAL OF PLACER RANCH
15 TO HARASS THE LANDFILL OR TO SHUT DOWN
OPERATIONS.

16 IN FACT, THERE ARE MANY ASPECTS OF THE NEW PERMIT
17 THAT WE FULLY SUPPORT. WE SUPPORTED PUTTING IN
18 PLACE THE GAS CONTROL SYSTEM. WE SUPPORT BERMS.
19 WE SUPPORT ANY ACTIVITIES THAT WILL REDUCE
20 EXTERNAL IMPACTS. BUT WE NEED TIME. WE NEED
TIME

21 TO WORK WITH THE LEA AND THE AUTHORITY TO DEVELOP
22 CONDITIONS AND STANDARDS THAT WILL PROTECT THE
23 ENVIRONMENT AND WILL PROTECT PLACER RANCH'S

24 INTERESTS .
25 THE PROPOSED SOLID WASTE FACILITY

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1 PERMIT EXPANDS DAILY TONNAGE LEVELS TO 1200 TONS
2 PER DAY. THE CURRENT PERMIT ALLOWS 315 TONS PER
3 DAY. STIPULATED ORDER 94-01 AUTHORIZES 900 TONS
4 PER DAY. THIS PERMIT EXPANDS OPERATIONS FURTHER.
5 THE PERMIT ALSO AUTHORIZES NEW CONSTRUCTION AND
6 THE RECEIPT OF DESIGNATED WASTES. DESIGNATED
7 WASTES ARE WASTES OTHER THAN THE NONHAZARDOUS
8 CLASS III WASTES.

9 THE EIR FOR THE LANDFILL SAYS THAT
10 EXPANSION OF OPERATIONS UNDER THIS PERMIT WILL
11 INCREASE THE POTENTIAL FOR GAS LEVELS EXCEEDING 5
12 PERCENT. BUT WHAT THE EIR FOUND WAS THAT THE GAS
13 CONTROL SYSTEM BUILT IN 1995 WOULD MITIGATE THAT
14 IMPACT TO A LEVEL OF NONSIGNIFICANCE. THE EIR
15 SAID THE GAS CONTROL SYSTEM WILL WORK, SO WE DON'T
16 HAVE A PROBLEM. WE KNOW NOW THAT THAT'S NOT TRUE.
17 THE GAS CONTROL SYSTEM HAS NOT WORKED. WE DO HAVE
18 A PROBLEM.

19 IT'S WELL KNOWN THAT PLACER RANCH
20 HAS OUTSTANDING LITIGATION AGAINST THE LANDFILL.
21 WE'VE BROUGHT A NUISANCE ACTION TO TRY TO CONVINCE
22 THE LANDFILL TO REDUCE ITS EXTERNAL IMPACTS, BUT
23 LITIGATION WILL NOT SOLVE THESE PROBLEMS.

24 TO THAT END, PLACER RANCH HAS HIRED
25 AN EXPERT CONSULTANT IN GEOLOGY AND HYDROGEOLOGY

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1 TO TRY TO HELP COME UP WITH CONDITIONS AND
2 MONITORING MEANS THAT WILL REDUCE GAS LEVELS AND
3 GROUNDWATER PROBLEMS TO COMPLIANCE LEVELS. AGAIN,
4 THE LANDFILL'S OWN EXPERTS SAY THEY DO NOT KNOW
5 WHY THE GAS CONTROL SYSTEM HAS NOT WORKED. WE
6 CANNOT HAVE LEVELS EXCEEDING 5 PERCENT INTO LATE
7 1998.

8 WHY WEREN'T WE HERE EARLIER? WE HAD
9 NO NOTICE OF THIS BOARD'S COMMITTEE MEETING TO
10 ADDRESS THIS PERMIT UNTIL LESS THAN 24 HOURS
11 BEFORE THE MEETING. IT WAS AT THAT POINT THAT WE
12 RECEIVED NOTICE THAT THE BOARD WAS GOING TO TAKE
13 ACTION AND WE RECEIVED A DRAFT PERMIT.

14 DURING THE CEQA PROCESS THAT THE
15 COUNTY HAS ALLUDED TO IN JULY, WHEN WE WERE
16 REVIEWING THE FINAL EIR, THE MOST RECENT REPORT
17 HAD SAID GAS LEVELS WERE DOWN TO COMPLIANCE
18 LEVELS. SINCE THAT TIME WE'VE LEARNED THAT THE
19 GAS CONTROL SYSTEM HAS NOT WORKED AND GAS EXCEEDS
20 THE 5-PERCENT LEVEL. WE DID NOT KNOW THAT. WE
21 JUST GOT THE FOURTH QUARTER MONITORING REPORT FROM
22 THE LANDFILL DATED JANUARY 15TH YESTERDAY. WE
23 JUST GOT ACCESS TO FILES HAVING THE GAS
REPORTS

24 TWO DAYS AGO.

25 WE COULD NOT APPEAR AT THE

PERMIT-

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1 TING COMMITTEE ON SUCH SHORT NOTICE AND MAKE
2 INTELLIGIBLE COMMENTS. WE ASKED THE LEA TO
3 CONTINUE THE MEETING. WE ASKED THE AUTHORITY TO
4 WAIVE APPLICABLE TIME LINES SO THAT WE COULD HAVE
5 A CHANCE TO BE PART OF THIS PROCESS. WE ASKED THE
6 BOARD STAFF FOR A CONTINUANCE OF THIS MEETING. WE
7 HAVE BEEN TOLD THAT ONLY THE AUTHORITY CAN WAIVE
8 THE APPLICABLE TIME LINES. THE AUTHORITY HAS
9 REFUSED.

10 THE ONLY WAY THAT WE CAN PROTECT THE
11 ENVIRONMENT AND OUR CLIENTS' INTERESTS IS FOR THE
12 AUTHORITY TO VOLUNTARILY WAIVE THE TIME LINES SO
13 THAT WE CAN WORK TO COME UP WITH CONDITIONS THAT
14 WILL REDUCE THESE GAS LEVELS TO COMPLIANCE LEVELS
15 MUCH MORE QUICKLY OR TO HAVE CONDITIONS THAT SAY
16 THAT EXPANSION ACTIVITIES, MORE TONNAGE, CANNOT BE
17 RECEIVED UNTIL GAS LEVELS ARE UNDER COMPLIANCE.

18 IF THE AUTHORITY WILL NOT VOLUNTAR-
19 ILY WAIVE THESE TIME LINES, OUR ONLY ALTERNATIVE
20 IS TO REQUEST THAT THE BOARD OBJECT TO THE PERMIT
21 SO THAT IT GOES BACK TO THE LEA TO BE REWRITTEN.

22 WE ALSO NOTE THAT THE DEADLINE FOR
23 ACTION ON THIS PERMIT IS ACTUALLY FEBRUARY 8TH,
24 AND IT IS POSSIBLE FOR THE BOARD TO TAKE THIS
25 MATTER UNDER SUBMISSION TO FURTHER CONSIDER OUR

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1 COMMENTS.

2 THE GROUNDS FOR OUR LEGAL OBJECTIONS
3 AND THIS BOARD'S AUTHORITY TO OBJECT TO THE PERMIT
4 ARE SPELLED OUT IN THE LETTER THAT YOU'VE RECEIVED
5 FROM MY LAW FIRM. I WILL GO OVER THE POINTS VERY
6 BRIEFLY. THE FIRST ONE IS THAT UNDER PUBLIC
7 RESOURCES CODE 44009, THE BOARD IS AUTHORIZED TO
8 OBJECT TO THE PERMIT IF THE PERMIT IS NOT
9 CONSISTENT WITH STATE MINIMUM STANDARDS. THE
10 PERMIT EXPANDS LANDFILL OPERATIONS. EXPANDED
11 LANDFILL OPERATIONS INCREASE METHANE GAS. THAT'S
12 WHAT THE EIR SAYS.

13 THIS PERMIT IS NOT CONSISTENT WITH
14 STATE MINIMUM STANDARDS. THE LANDFILL IS IN
15 VIOLATION OF STATE MINIMUM STANDARDS. THIS PERMIT
16 DOES NOTHING TO FURTHER STATE MINIMUM STANDARDS.
17 IT'S WELL WITHIN THE JURISDICTION OF THE BOARD TO
18 OBJECT TO THE PERMIT ON THIS GROUND.

19 OUR SECOND POINT IS THAT INADEQUATE
20 WATER QUALITY INFORMATION IS INCLUDED IN THE
21 APPLICATION PACKET. WE ARE FULLY AWARE THAT THIS
22 IS THE JURISDICTION OF THE REGIONAL WATER QUALITY
23 CONTROL BOARD; HOWEVER, THE REGULATIONS WHICH THIS
24 BOARD IS AUTHORIZED TO ENFORCE REQUIRE FULL
25 ENVIRONMENTAL INFORMATION IN THE APPLICATION

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1 PACKET. THE OLD WDR'S DO NOT PROVIDE THAT
2 INFORMATION, AND THE EIR, AS WE EXPLAINED IN OUR
3 COMMENT LETTER, IS DEFICIENT IN THIS REGARD.

4 THE EIR DOES NOT INCLUDE ANALYSIS OF
5 GROUNDWATER CONTAMINATION IN ONE OF THE WELLS IN
6 WHICH CONTAMINATION HAS BEEN FOUND, AND THE
7 AUTHORITY'S OWN CORRECTIVE ACTION PROGRAM STATES
8 THAT FURTHER MONITORING SHOULD OCCUR IF GROUND-
9 WATER CONTAMINATION REMAINS AT CONSISTENT LEVELS.
10 GROUNDWATER CONTAMINATION HAS REMAINED AT THOSE
11 LEVELS.

12 THE LANDFILL IS VIOLATING ITS HEIGHT
13 RESTRICTIONS. AGAIN, THIS IS A REASON THAT THE
14 BOARD CAN OBJECT TO THE PERMIT.

15 PUBLIC RESOURCES CODE SECTION 44009
16 STATES THAT THE BOARD CAN OBJECT TO THE PERMIT IF
17 DIVERSION REQUIREMENTS ARE NOT BEING MADE. WE
18 FOUND NO EVIDENCE IN THE RECORD THAT DIVERSION
19 REQUIREMENTS ARE BEING MET. THE BOARD IS
20 AUTHORIZED TO OBJECT TO THE PERMIT ON THIS GROUND.

21 AS THE BOARD IS AWARE, THE LANDFILL
22 HAS APPLIED FOR APPROVAL OF A NEW RDSI. IT HAS
23 NOT BEEN APPROVED. AGAIN, THIS IS A REQUIREMENT
24 OF THE APPLICATION PACKET, AND IT'S GROUNDS FOR
25 THE BOARD TO OBJECT TO THE PERMIT.

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1 PUBLIC RESOURCES CODE 500.5 STATES
2 THAT NO EXPANSION OF LANDFILLS SHALL BE PERMITTED
3 UNLESS CERTAIN FINDINGS ARE MADE. ONE OF THOSE
4 FINDINGS IS A FINDING BY THE COUNTY OF CONSISTENCY
5 WITH THE GENERAL PLAN. THERE'S NO EVIDENCE IN THE
6 RECORD THAT SUCH A FINDING HAS BEEN MADE BY THE
7 COUNTY. THE ONLY EVIDENCE THAT PLACER RANCH HAS
8 FOUND IS A MEMO FROM COUNTY STAFF. THAT IS NOT A
9 FINDING BY THE COUNTY. ALSO, A SECOND FINDING
10 MUST BE MADE THAT THE LANDFILL HAS BEEN DESIGNATED
11 IN THE GENERAL PLAN FOR SOLID WASTE FACILITIES.
12 THE CURRENT GENERAL PLAN DOES NOT SO DESIGNATE.

13 THE PUBLIC RESOURCES CODE AUTHORIZES
14 THIS BOARD TO OBJECT AGAIN FOR FAILURE TO MEET
15 STATE MINIMUM STANDARDS. ONE OF THOSE STANDARDS
16 IS PROVIDING FINANCIAL LIABILITY ASSURANCES.
17 WE'VE SEEN NO EVIDENCE THAT SUCH ASSURANCES HAVE
18 BEEN PROVIDED.

19 AGAIN, STATE MINIMUM STANDARDS
20 REQUIRE THE LANDFILL TO PROVIDE CLOSURE COST
21 ASSURANCES. WE'VE SEEN NO EVIDENCE THAT SUCH
22 ASSURANCES HAVE BEEN PROVIDED. IN FACT, THIS
23 BOARD IN THE PAST HAS EXPRESSED ITS CONCERN
ABOUT

24 THE ACCURACY OF THE AUTHORITY'S CLOSURE COST
25 ESTIMATES.

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1 ONE OF THE REQUIREMENTS OF THE
2 PUBLIC RESOURCES CODE IS ADEQUATE PUBLIC
3 PARTICIPATION IN THE PROCESS REGARDING THIS
4 PERMIT. WE HAVE BEEN DENIED ADEQUATE PUBLIC
5 PARTICIPATION. WE HAVE RECEIVED VERY SHORT NOTICE
6 OF THIS APPLICATION. AND WE RECEIVED NO NOTICE, I
7 NOTE, OF THE LEA'S CONSIDERATION OF THIS APPROVAL.

8 I HAVE ALSO INCLUDED SPECIFIC
9 COMMENTS RELATED TO CEQA. THE BOARD IS ACTING AS
10 A RESPONSIBLE AGENCY WHEN IT LOOKS AT THIS PERMIT.
11 IT MUST DETERMINE WHETHER THE PERMIT -- WHETHER
12 THE EIR PREVIOUSLY PREPARED IS ADEQUATE FOR ITS
13 USE. WHAT THAT MEANS IN A PRACTICAL SENSE IS THAT
14 THE BOARD NEEDS TO DETERMINE WHETHER THE EIR IS
15 COMPLETE.

16 IN THIS CASE THE EIR IS NOT
17 COMPLETE. UNDER CEQA A SUBSEQUENT EIR IS
18 REQUIRED. A SUBSEQUENT EIR IS REQUIRED IF
19 SUBSTANTIAL CHANGES IN CIRCUMSTANCES OCCUR OR NEW
20 INFORMATION SHOWS THAT THE PROJECT WILL HAVE
21 SIGNIFICANT EFFECTS NOT DISCUSSED IN THE EIR.

THE

22 STUDIES SINCE JULY 1996 SHOWING THAT THE GAS
23 RECOVERY SYSTEM HAS NOT BROUGHT GAS LEVELS INTO
24 COMPLIANCE IS NEW INFORMATION REQUIRING A

25 SUBSEQUENT EIR.

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1 AGAIN, THE EIR SAID THE GAS CONTROL
2 SYSTEM WOULD MITIGATE THE IMPACTS OF THE PROJECT
3 TO A LEVEL OF -- TO A LESS THAN SIGNIFICANT LEVEL.
4 THE GAS CONTROL SYSTEM HAS NOT. THIS NEEDS TO BE
5 FURTHER STUDIED IN THE EIR. THE IMPACT IS MORE
6 SIGNIFICANT THAN STATED IN THE EIR.

7 WE HAVE ALSO INCLUDED THE
8 INFORMATION FOR THE BOARD'S CONSIDERATION
9 REGARDING GROUNDWATER CONTAMINATION. THE EIR
10 SPECIFICALLY SAID THAT NO VOC'S WERE FOUND IN WELL
11 MW11. WE HAVE SINCE LEARNED THAT VOC'S WERE
12 INDEED FOUND IN MW11. THE EIR IS WRONG IN THIS
13 REGARD AND A SUBSEQUENT EIR MUST BE PREPARED.

14 THE BOARD IS ALSO AUTHORIZED UNDER
15 CEQA TO DISAPPROVE THE PERMIT BASED UPON THE
16 INFORMATION IN THE EIR. THE EIR CONTAINS FULL
17 INFORMATION OF THE IMPACTS OF THIS PROJECT, AND
18 THE BOARD CAN DISAPPROVE THE PERMIT BASED UPON
19 THOSE IMPACTS.

20 FINALLY, A RESPONSIBLE AGENCY UNDER
21 CEQA MUST ADOPT SPECIFIC FINDINGS FOR EACH
22 SIGNIFICANT EFFECT OF THE PROJECT. THOSE
FINDINGS

23 HAVE NOT BEEN MADE.

24 THE REGULATION OF THIS LANDFILL IS

A

25 KEY ISSUE BEFORE THIS BOARD BECAUSE THIS LANDFILL

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1 IS OWNED BY A JOINT POWERS AUTHORITY OF WHICH THE
2 COUNTY IS THE KEY PLAYER. THIS COUNTY IS
3 REGULATED BY AN ENFORCEMENT AGENCY THAT IS THE
4 COUNTY. THE ONLY AGENCY THAT CAN INDEPENDENTLY
5 REVIEW THIS PERMIT IS THIS BOARD.

6 THAT IS WHY WE ARE BEFORE THIS
7 BOARD. THAT IS WHY WE ASK THIS BOARD TO REQUEST
8 THAT THE AUTHORITY VOLUNTARILY WAIVE THE TIME
9 LINES SO THAT WE CAN DISCUSS FURTHER CONDITIONS.
10 AND THAT IS WHY IF THE AUTHORITY DOES NOT WAIVE
11 THOSE TIME LINES, WE ASK THAT THIS BOARD OBJECT TO
12 THE PERMIT.

13 THAT CONCLUDES MY REMARKS AND, OF
14 COURSE, I WILL ANSWER QUESTIONS.

15 BOARD MEMBER CHESBRO: I HAVE A COUPLE
16 QUESTIONS I'D LIKE STAFF TO RESPOND TO THE POINTS
17 BROUGHT UP. BEFORE I DO, THIS IS NOT TO DEFLECT
18 YOU FROM YOUR REQUEST TO THE BOARD, BUT THIS IS
19 ANOTHER OPTION IN THE LISTING OF OPTIONS, AND
20 THERE IS IN THE LAW A PROCESS FOR APPEALING
21 CONDITIONS AT THE LOCAL LEVEL THROUGH AN APPEALS
22 BODY AT THE COUNTY.

23 MS. SCHUSSMAN: WE UNDERSTAND THAT. AND
24 AGAIN, WE'VE HAD LITTLE SUCCESS AT THE LOCAL
25 LEVEL.

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1 BOARD MEMBER CHESBRO: JUST WANTED TO
2 POINT THAT OUT TO YOU.

3 TWO THINGS THAT TROUBLED ME, AND I
4 FOUND BITS AND PIECES OF THEM IN HERE, BUT I
5 WANTED THEM ON THE RECORD CLARIFIED, GENERAL PLAN
6 CONSISTENCY AND FINANCIAL ASSURANCE. THERE IS AN
7 ALLEGATION THAT THERE'S NO EVIDENCE OF COMPLIANCE
8 WITH EACH OF THOSE. I THINK THERE IS REFERENCE
IN
9 THE STAFF REPORT THAT THERE IS COMPLIANCE WITH
10 THOSE. I JUST WANTED THAT CLARIFIED.

11 MR. ALTMAN: REPRESENTATIVES FROM OUR
12 PLANNING DEPARTMENT HAVE WRITTEN TO THE LEA,
13 ACKNOWLEDGING THAT THE FACILITY'S IN CONFORMANCE
14 WITH THE GENERAL PLAN AND THE SURROUNDING ZONING.

15 BOARD MEMBER CHESBRO: FINANCIAL
16 ASSURANCE.

17 MR. ALTMAN: FINANCIAL ASSURANCE, THERE
18 WAS CORRESPONDENCE BETWEEN THE WASTE BOARD'S
19 REVIEW BODY TO YOUR PERMITTING BODY,
ACKNOWLEDGING

20 THAT FINANCIAL ASSURANCE HAS BEEN DETERMINED TO
BE
21 ADEQUATE.

22 BOARD MEMBER CHESBRO: AND THEN I GUESS
23 THE OTHER QUESTION, AND JUST A CLARIFICATION, IS

24 IT MY UNDERSTANDING THAT THE UNITS OF THE
LANDFILL
25 WHERE THE VIOLATIONS EXIST ARE UNITS THAT HAVE

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1 ALREADY BEEN FILLED AND THERE'S NOT WASTE
2 CURRENTLY BEING PUT IN THOSE UNITS OR IS THAT NOT
3 CORRECT?

4 MR. ALTMAN: YOU ARE CORRECT. THESE ARE
5 THE FIRST TWO MODULES OF THE LANDFILL THAT WERE
6 FILLED.

7 BOARD MEMBER CHESBRO: SO THE ADDITIONAL
8 WASTE THAT WOULD BE BROUGHT AS A RESULT OF THIS
9 PERMIT WOULD GO INTO CELLS WHERE THERE ARE NOT
10 VIOLATIONS, NOT GAS VIOLATIONS, OR THERE ARE?

11 MR. ALTMAN: AS FAR AS THE INCREASED
12 TONNAGE GOES, THAT IS CORRECT. THE DISCREPANCY ON
13 THE HEIGHT ELEVATION, THERE WAS SOME OVERFILLING
14 OF THE LANDFILL NOT IN COMPLIANCE WITH THE
15 APPROVED HEIGHT. AND THIS -- THE WHOLE
16 ENVIRONMENTAL DOCUMENT AND PART OF THIS PERMIT IS
17 TO RESOLVE THOSE DEFICIENCIES.

18 BOARD MEMBER CHESBRO: BUT THE GAS
19 COMPLIANCE ISSUE IS IN CELLS THAT ARE ALREADY
20 FILLED AND NOT WHERE NEW WASTE WILL BE DEPOSITED
21 AS A RESULT OF THIS AMENDMENT?

22 MR. ALTMAN: THAT'S CORRECT.

23 BOARD MEMBER CHESBRO: THANKS.

24 CHAIRMAN PENNINGTON: QUESTIONS?

25 BOARD MEMBER RELIS: JUST FOLLOWING ON

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1 THAT POINT, THEN, COULD I CONCLUDE, AND MAYBE YOU
2 STATED THIS EARLIER, IF YOU WERE BRINGING IN
3 ADDITIONAL MATERIAL, IT WOULD NOT EXACERBATE THE
4 EXISTING -- PREEXISTING GAS PROBLEM? IS THAT YOUR
5 CONCLUSION? WE'RE NOT -- IN OTHER WORDS,
6 APPROVAL, CONCURRENCE IN THIS PERMIT, BRINGING
7 MORE TONNAGE IN WILL NOT CONTRIBUTE TO THE GAS
8 PROBLEM THAT ALREADY EXISTS? IS THAT CLEAR?

9 MR. ALTMAN: AS YOU ARE WELL AWARE, WHEN
10 GAS -- WHEN WASTE DECOMPOSES, YOU DO HAVE THE
11 DEVELOPMENT OF LANDFILL GAS. SO THERE WILL BE GAS
12 THAT IS A RESULT OF THE DECOMPOSITION OF THE NEW
13 WASTE. HOWEVER, THE MODULES YET TO BE FILLED,
14 WHICH WILL BE RECEIVING THE INCREASED TONNAGE, ARE
15 NOT IN THE CURRENT VICINITY OF THE GAS VIOLATIONS
16 WE'RE CURRENTLY SEEING. SO I DON'T ANTICIPATE
17 THAT THAT GAS WILL FURTHER EXACERBATE THAT
18 PROBLEM. I THINK, IN FACT, BECAUSE OF THE NEW
19 LINER, SUBTITLE D LINERS AND SO FORTH, THE GAS IN
20 THE NEW AREAS TO BE FILLED PROBABLY WILL BE
21 CONTROLLED EVEN MORE EFFICIENTLY.

22 BOARD MEMBER RELIS: JUST ANOTHER
23 OBSERVATION. NOTING I KNOW THAT THE PARTY BEFORE
24 US DOESN'T TAKE MUCH PROBABLY SATISFACTION FROM
25 THIS, BUT THE CONTROL OF GAS IS NOT AN OVERNIGHT

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1 PHENOMENA. I MEAN WE DON'T TYPICALLY SEE
2 SITUATIONS WHERE A GAS SYSTEM IS PUT IN AND THE
3 PROBLEM GOES AWAY. OFTEN TAKES YEARS FOR THAT TO
4 OCCUR. AND SO I GUESS THE CONCERN OR THE MATTER
5 FOR THIS BOARD IS TO BE ASSURED THAT THE SYSTEM
6 THAT IS IN PLACE IS A REASONABLE RESPONSE TO THE
7 GAS PROBLEM THAT DOES EXIST AND KNOWING WHAT WE
8 KNOW HAS A STRONG LIKELIHOOD OF ELIMINATING THIS
9 PROBLEM OVER SOME PERIOD OF TIME.

10 I DON'T THINK ANY OF US, ANY PARTY
11 KNOWS WHAT THAT TIME FRAME IS EXACTLY. FOR THE
12 DEVELOPER, NEIGHBOR, THE PROBLEM IS, AND WE SEE
13 THIS REPEATEDLY, THERE IS A PROBLEM, EVERYBODY
14 ACKNOWLEDGES THE PROBLEM, AND DEVELOPMENT WANTS TO
15 SOMETIMES ENCROACH IN THESE AREAS THAT ARE PROBLEM
16 AREAS. AND YOU KNOW, I HAVE LIMITED SYMPATHY FOR
17 THAT WHEN WE HAVE AN EXISTING LANDFILL AND IT'S
18 KNOWN THAT THERE ARE SOME ISSUES THERE, AND THEN
19 THERE'S A DESIRE TO DEVELOP AS CLOSE TO IT AS ONE
20 CAN GET AND THEN THESE CONFLICTS EMERGE.

21 I MEAN I CAN'T TELL YOU HOW MANY
22 TIMES WE'VE SEEN THAT, AND THAT'S A LAND USE
23 SOMETIMES INCOMPATIBILITY ISSUE. IT'S WHY I THINK
24 SOMETIMES THE ATTEMPTS TO BUFFER THESE AREAS ARE
25 GOOD BY LOCAL GOVERNMENT BECAUSE THEY LIMIT THAT.

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1 BUT THAT'S JUST THIS MEMBER'S OPINION ON THAT
2 ISSUE.

3 MS. SCHUSSMAN: MAY I BRING UP ONE ANSWER
4 TO YOUR EARLIER QUESTION THAT YOU ASKED ABOUT
5 LANDFILL GAS LEVELS? THE ONLY SCIENTIFIC DATA IN
6 THE RECORD, TO MY KNOWLEDGE, IS THE EIR. THE EIR
7 DOES SAY THAT EXPANSION OF THE PERMIT HAS THE
8 POTENTIAL TO INCREASE METHANE LEVELS IN NON-
9 COMPLIANCE LEVELS. SO TO SAY THAT THE NEW
10 ACTIVITY AND THE NEW TONNAGE WON'T EXACERBATE THE
11 PROBLEM IS NOT SUPPORTED IN THE RECORD TO DATE.

12 THE LANDFILL AS A WHOLE IS OUT OF
13 COMPLIANCE, NOT JUST A COUPLE OF CELLS. AND
14 AGAIN, THE LANDFILL'S OWN EXPERTS HAVE STATED THAT
15 THEY DON'T KNOW WHY THE GAS CONTROL SYSTEM HAS NOT
16 WORKED.

17 ALSO, AS FAR AS DEVELOPMENT
18 ENCROACHING UPON THE LANDFILL, THE COUNTY HAS SAID
19 THAT THEY WILL BUFFER BY ALLOWING INDUSTRIAL AND
20 COMMERCIAL USE. IT'S THAT USE THAT WE NEED TO
21 PROTECT. TO SAY THAT LANDFILLS COULD HAVE
22 PROBLEMS AND SO THERE SHOULD BE A COMPLETE
BUFFER

23 AND NO USE WOULD REQUIRE --

24 BOARD MEMBER RELIS: THAT ISN'T WHAT I

25 SAID.

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1 MS. SCHUSSMAN: -- THE PAYMENT FOR OUR
2 PROPERTY. I KNOW. THAT'S THE INTENTION THAT'S
3 HERE. IT'S NOT JUST THE RESIDENTIAL USE. IT'S
4 ALSO THE INDUSTRIAL AND COMMERCIAL USE THAT SHOULD
5 BE ALLOWED TO GO IN.

6 CHAIRMAN PENNINGTON: ANY ADDITIONAL
7 QUESTIONS? OKAY. THANK YOU. OKAY. READY FOR A
8 MOTION. NOBODY IS EXCITED ABOUT MOVING THIS.

9 BOARD MEMBER FRAZEE: LET ME SEE WHERE
10 THE RESOLUTION IS. MR. CHAIRMAN, I'LL MOVE
11 ADOPTION OF RESOLUTION 97-27.

12 CHAIRMAN PENNINGTON: I'LL SECOND IT
13 THEN. IT'S BEEN MOVED AND SECONDED. ANY FURTHER
14 DISCUSSION? IF NOT, WILL THE SECRETARY CALL THE
15 ROLL.

16 BOARD SECRETARY: BOARD MEMBER CHESBRO.

17 BOARD MEMBER CHESBRO: WITH SOME
18 RELUCTANCE, I WILL VOTE AYE.

19 BOARD SECRETARY: FRAZEE.

20 BOARD MEMBER FRAZEE: AYE.

21 BOARD SECRETARY: GOTCH.

22 BOARD MEMBER GOTCH: AYE.

23 BOARD SECRETARY: JONES.

24 CHAIRMAN PENNINGTON:

HE'S OUT OF THE
25 ROOM.

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1 BOARD SECRETARY: RELIS.

2 BOARD MEMBER RELIS: AYE.

3 BOARD SECRETARY: CHAIRMAN PENNINGTON.

4 CHAIRMAN PENNINGTON: AYE. PERMIT

5 CARRIES.

6 MOVING NOW TO ITEM 28, CONSIDERATION

7 OF THE REVISED SOLID WASTE FACILITY PERMIT FOR THE

8 CITY OF CLOVIS LANDFILL IN FRESNO COUNTY. MS.

9 RICE.

10 MS. RICE: THANK YOU, MR. CHAIRMAN.

11 VIRGINIA ROSALES WILL MAKE THE PRESENTATION FOR

12 STAFF. DAVE POMAVILLE, REPRESENTING THE LOCAL

13 ENFORCEMENT AGENCY, WILL ALSO BE PRESENT AT THE

14 TABLE WITH STAFF.

15 MS. ROSALES: GOOD MORNING, MR. CHAIRMAN

16 AND BOARD MEMBERS. AGENDA ITEM 28 IS THE REVISED

17 PERMIT FOR THE CITY OF CLOVIS IN FRESNO COUNTY.

18 THE FACILITY IS OWNED AND OPERATED BY THE CITY OF

19 CLOVIS.

20 BEING PASSED OUT TO YOU IS A

REVISED

21 PROPOSED PERMIT WHICH BASICALLY CLARIFIES A

FEW

22 ISSUES AND ADDED THREE CONDITIONS DEALING WITH

THE

23 USE OF ADC AND THE STORAGE OF WASTE TIRES.

ALSO

24 BEING PASSED OUT IS PERMIT DECISION NO. 97-18.

A

25 FEW COPIES ARE ON THE BACK TABLE FOR THOSE

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1 INTERESTED.

2 IN SUMMARY, THE PROPOSED PERMIT
3 WOULD ALLOW FOR AN INCREASE IN TONNAGE FROM AN
4 ANNUAL AVERAGE OF 51 TONS TO A PEAK OF 354 TONS
5 PER DAY, DEFINE THE DISPOSAL FOOTPRINT TO BE 50
6 ACRES AND THE PERMITTED AREA TO BE 57 ACRES;
7 SPECIFY A FINAL ELEVATION; SPECIFY THE TRAFFIC
8 VOLUME, EXTEND THE CLOSURE DATE FROM 2003 TO 2017;
9 AND ALLOW FOR THE ONGOING USE OF THE GEOSYNTHETIC
10 TARPS AS THE ALTERNATIVE DAILY COVER.

11 BOARD STAFF PRESENTED THIS ITEM TO
12 THE PERMITTING AND ENFORCEMENT COMMITTEE ON
13 JANUARY 7TH AND RECOMMENDED THAT THE ITEM BE
14 FORWARDED TO THE FULL BOARD WITHOUT A RECOM-
15 MENDATION SINCE WE DID NOT HAVE THE OPPORTUNITY TO
16 REVIEW THE INTERIM GAS MONITORING AND CONTROL
17 PLAN, WHICH WAS RECEIVED THAT MORNING, AND
18 SUPPLEMENTAL INFORMATION THAT WOULD ALLOW STAFF TO
19 COMPLETE OUR ANALYSIS OF THE RDSI OR THE REPORT OF
20 DISPOSAL SITE INFORMATION.

21 TO GIVE YOU SOME BACKGROUND, ON
22 AUGUST 28, 1996, BOARD STAFF, IN CONJUNCTION WITH
23 THE LEA STAFF, CONDUCTED A PREPERMIT INSPECTION
24 AND FOUND TWO VIOLATIONS OF THE PUBLIC RESOURCES
25 CODE, WHICH THE ISSUANCE OF THE PROPOSED PERMIT

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1 WOULD CORRECT, AND SEVERAL VIOLATIONS OF STATE
2 MINIMUM STANDARDS, INCLUDING A LONG-TERM GAS
3 VIOLATION.

4 SUBSEQUENTLY THE LEA FOUND DURING
5 THE MONTHLY INSPECTION THAT THE VIOLATIONS OF
6 STATE MINIMUM STANDARDS HAD BEEN CORRECTED WITH
7 THE EXCEPTION OF THE GAS VIOLATION. I'D LIKE TO
8 MENTION THAT THERE ARE NO STRUCTURES WITHIN A
9 THOUSAND FEET OF THE FACILITY AND THE FACILITY IS
10 IN A RURAL SETTING.

11 ON NOVEMBER 4, 1996, THE LEA ISSUED
12 A NOTICE AND ORDER THAT REQUIRED THE OPERATOR TO
13 SUBMIT AN INTERIM GAS MONITORING AND CONTROL PLAN.
14 THE ISSUANCE OF THE NOTICE AND ORDER FOR THE
15 LONG-TERM VIOLATION IS CONSISTENT WITH THE POLICY
16 PREVIOUSLY ADOPTED BY THE BOARD IN JULY 1994.
17 HOWEVER, BOARD STAFF LEARNED DURING THE COMMITTEE
18 MEETING THAT THE PROPOSED MITIGATION AND CONTROL
19 STRATEGY PRESENTED IN THE GAS PLAN COMPRISES OF
20 LANDFILL MINING OR LANDFILL RECONSTRUCTION WHICH
21 WAS NOT CONSISTENT WITH THE NOTICE AND ORDER,
22 WHICH REQUIRED INSTALLATION OF A LANDFILL GAS
23 EXTRACTION SYSTEM BY JUNE 1, 1998.

24 ALSO, THERE WAS MENTION THAT
THE
25 CITY OF CLOVIS WAS PURSUING THE ACQUISITION

OF

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1 THREE SEPARATE PARCELS ALONG THE SOUTHEAST
AND
2 WEST BOUNDARIES OF THE LANDFILL. AFTER
REVIEW OF
3 THE GAS PLAN, STAFF FOUND THERE TO BE SEVERAL
4 UNKNOWN ASSOCIATED WITH THE PROPOSED PROJECT
THAT
5 COULD AFFECT LANDFILL OPERATIONS, INCREASE
THE
6 TIME FOR COMPLETION, AND THE OVERALL COST OF
THE
7 PROPOSED PROJECT. ALTHOUGH THE POTENTIAL OF
8 CONTINUED GAS MIGRATION WOULD BE CONSIDERABLY
9 REDUCED, BOARD STAFF HAVE CONCERN OVER THE
PREMISE
10 THAT THE PROPOSED PROJECT WOULD BE A FIX-ALL
11 SOLUTION FOR THE GAS MIGRATION PROBLEM, AND
THE
12 PLAN IS IN CONFLICT WITH THE NOTICE AND
ORDER.

13 ON JANUARY 14, 1997, THE LEA
ISSUED

14 AN ADDENDUM TO THE NOTICE AND ORDER WHICH
REQUIRED

15 THE SUBMITTAL OF A REVISED GAS PLAN THAT

CONTAINS

16 A COMPLETE DESCRIPTION OF HOW THE OPERATOR
17 PROPOSES TO COMPLY WITH TITLE 14. ON JANUARY
17,
18 1997, BOARD STAFF RECEIVED AN ADDENDUM TO THE
GAS
19 PLAN AND FIND THE DOCUMENT ADEQUATELY
DESCRIBES
20 THE OPERATOR'S PROPOSAL TO COMPLY WITH TITLE
14.
21 THE PLAN PROVIDES FLEXIBILITY TO THE OPERATOR
BY,
22 ONE, ALLOWING FOR THE PROPERTY ACQUISITION,
WHICH
23 THE CITY COUNCIL HAS APPROVED, AND EXPANDING
THE
24 PERMITTED BOUNDARY, THEREBY CREATING A BUFFER
25 AROUND THE LANDFILL, AND ESTABLISHING A
MONITORING

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1 NETWORK CONSISTENT WITH THE ACQUIRED
PROPERTIES.

2 THESE TASKS ARE ASSOCIATED WITH SPECIFIED
TIME

3 LINES CONCLUDING IN DECEMBER 1997.

4 OR, TWO, IN THE EVENT THE
OPERATOR

5 IS UNABLE TO ACQUIRE THE ADJACENT PARCELS,
THE

6 OPERATOR WILL BE REQUIRED TO INSTALL A GAS
7 EXTRACTION SYSTEM BY JUNE 1, 1998, AS
STIPULATED

8 IN THE NOTICE AND ORDER.

9 STAFF JUST LEARNED THIS MORNING
THAT

10 THE CITY OF CLOVIS HAS OBTAINED THE GRANT
DEED FOR

11 APPROXIMATELY 150 PARCELS SOUTH OF THE
LANDFILL,

12 WHICH IS ONE OF THE PARCELS THEY WERE
PURSUING.

13 BOARD STAFF HAVE COMPLETED THE ANALYSIS OF
THE

14 REPORT OF DISPOSAL SITE INFORMATION AND ARE

15 SATISFIED IT CONTAINS THE INFORMATION

REQUIRED BY

16 TITLE 14. FINANCIAL ASSURANCE DEMONSTRATIONS
ARE

17 ACCEPTABLE. CEQA IS ADEQUATE FOR THE BOARD'S
18 EVALUATION, AND ALL OTHER REQUIREMENTS
RELATIVE TO

19 FRESNO'S GENERAL PLAN AND SOLID WASTE
MANAGEMENT

20 PLAN HAVE BEEN SATISFIED.

21 THEREFORE, BOARD STAFF
RECOMMEND THE

22 BOARD ADOPT PERMIT DECISION 97-18, CONCURRING
IN

23 THE ISSUANCE OF PERMIT DECISION NO. 10-AA-
004.

24 THIS CONCLUDES STAFF'S
PRESENTATION.

25 THE OPERATOR, MR. LEONARDO, THE PUBLIC
UTILITIES

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1 DIRECTOR, AND HIS ASSISTANT, MR. PALUMBO, ARE
2 PRESENT TO ANSWER ANY QUESTIONS YOU MAY HAVE.

3 BOARD MEMBER CHESBRO: MR. CHAIRMAN, SO
4 WHAT IS THE CITY OF CLOVIS' PROPOSAL TO COMPLY
5 WITH TITLE 14 THAT'S CONSISTENT WITH THE SPECIFIED
6 TIME LINES IN THE NOTICE AND ORDER? WAS IT TO
7 INSTALL THE GAS SYSTEM?

8 MS. ROSALES: THEY HAVE TWO OPTIONS, AND
9 THE ADDENDUM TO THE NOTICE AND ORDER GAVE THEM THE
10 OPTION TO PURSUE THE SURROUNDING PARCELS; AND IF
11 THAT DOESN'T OCCUR, THEN THE ORIGINAL NOTICE AND
12 ORDER STAYS IN EFFECT, AND THAT WOULD REQUIRE THE
13 GAS EXTRACTION SYSTEM TO BE UP AND RUNNING BY JUNE
14 1, 1998.

15 BOARD MEMBER CHESBRO: STAFF'S ONLY
16 CONCERN WAS THAT IT WAS INCONSISTENT WITH THE
17 NOTICES AND ORDERS AND NOT WHETHER A GAS SYSTEM
18 SHOULD BE INSTALLED. IT SOUNDS LIKE THEY'VE
19 MODIFIED THE NOTICE AND ORDER TO ALLOW SEVERAL
20 OPTIONS. IS THAT A CORRECT UNDERSTANDING OF WHAT
21 YOU SAID?

22 MR. POMAVILLE: DAVE POMAVILLE, FRESNO
23 COUNTY COMMUNITY HEALTH DEPARTMENT. THERE WAS AN
24 ADDENDUM PROVIDED ON THE NOTICE AND ORDER THAT
25 WOULD ALLOW CLOVIS TO DEMONSTRATE COMPLIANCE BY

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1 ACQUIRING ADJACENT PROPERTIES AND EXPANDING THE
2 PERMIT BOUNDARY AND INSTALLING A MONITORING
3 NETWORK THAT WOULD NEED TO BE IN COMPLIANCE WITH
4 THE GAS STANDARD. SO PRIOR TO ISSUANCE OF THE
5 NOTICE AND ORDER, WE HAD DISCUSSIONS WITH CITY OF
6 CLOVIS, AND THEY HAD INDICATED TO US THAT THEY
7 WERE ACQUIRING THE PROPERTY. WOULD THAT PROVIDE
8 ANY RELIEF FOR INSTALLING A PUMP AND TREAT SYSTEM?

9 WE DISCUSSED THE ISSUE WITH THEM AND
10 FELT THAT IT WOULD AND THAT WE WOULD SUPPORT THEM
11 PURCHASING ADJACENT PROPERTIES AS A BUFFER. AT
12 THE -- HOWEVER, WE WERE ALSO IN NEED OF ISSUING AN
13 ENFORCEMENT ORDER FOR THEM TO GET STARTED ON
14 EITHER -- WE WEREN'T COMFORTABLE IN HAVING THEM
15 JUST SAY THEY WERE GOING TO PURCHASE THE PARCELS.
16 WE WANTED THEM TO DOCUMENTATION, DEMONSTRATABLE
17 MILESTONES FOR THEM TO PROCEED WITH THAT AS A
18 MITIGATION MEASURE.

19 SO WE SUBSEQUENTLY ISSUED AN
20 ADDENDUM TO THE NOTICE AND ORDER THAT ALLOWS FOR
21 THE CITY OF CLOVIS TO CONTINUE WITH PURSUING THAT
22 PATH. IF NEGOTIATIONS FAIL WITH THE PROPERTY
23 OWNERS, WHICH I DON'T BELIEVE -- THE CITY OF
24 CLOVIS IS FAIRLY CONFIDENT THEY WILL BE ABLE TO
25 PROCEED WITH THIS IN ABOUT EIGHT MONTHS. IF

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1 SOMETHING DOESN'T GO THROUGH, THEY'RE STILL UNDER
2 THE ORDER. WE'VE PROVIDED NO RELIEF FROM THEM
3 CONSTRUCTING, IMPLEMENTING THE GAS CONTROL SYSTEM
4 AT THE CURRENT PERMITTED BOUNDARY.

5 BOARD MEMBER CHESBRO: SO IT'S STAFF'S
6 BELIEF THAT EITHER APPROACH WOULD MEET STATE
7 MINIMUM STANDARDS, EITHER THE PURCHASE OF THE
8 PROPERTY OR INSTALLATION OF THE GAS SYSTEM?

9 MS. ROSALES: YES.

10 BOARD MEMBER CHESBRO: OKAY.

11 CHAIRMAN PENNINGTON: ANY OTHER
12 QUESTIONS?

13 BOARD MEMBER FRAZEE: JUST TO FOLLOW ON,
14 I THINK THAT IT BRINGS UP AN INTERESTING POINT
15 WITH THIS AND SOME PREVIOUS PERMITS, EVEN ONE
16 EARLIER TODAY, AND THAT'S ALTHOUGH IT'S TECHNICAL
17 COMPLIANCE, IS THAT GOOD PRACTICE? AND I DON'T
18 KNOW WHETHER WE HAVE ANY OPTIONS OR NOT, BUT TO
19 MERELY MITIGATE GAS MIGRATION BY EXPANDING THE
20 AREA IN WHICH IT MIGRATES DOESN'T SEEM TO ACHIEVE
21 THE GOAL THAT WE OUGHT TO BE ACHIEVING. THERE'S
22 MORE EFFECTS THAN JUST MIGRATION. IT'S THAT GAS
23 BEING RELEASED INTO THE ATMOSPHERE THAT OUGHT TO
24 BE A CONSIDERATION TOO.

25 I GUESS WE'RE CONSTRAINED BY STATUTE

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1 IN THAT PARTICULAR AREA, BUT I THINK THAT'S
2 SOMETHING WE OUGHT TO BE LOOKING AT IN THE FUTURE.
3 IT'S A CHEAPER SOLUTION SOMETIMES JUST TO ACQUIRE
4 MORE LAND AND LET THE GAS CONTINUE TO MIGRATE.

5 BOARD MEMBER RELIS: I HAVE TO ECHO SOME
6 CONCERN THERE. ALSO WOULD JUST LOOK AT THE TIME
7 LINE HERE, I KEEP BRINGING UP TO TIME LINE PROBLEM
8 BECAUSE IT LOOKS TO ME LIKE WE ONLY RECEIVED
9 INFORMATION, THIS ADDENDUM TO THE INTERIM GAS
10 MONITORING PLAN ON THE 17TH, WHICH IF I COUNT
11 BACKWARDS, WE'RE JUST COMING OFF A THREE-DAY
12 HOLIDAY AND STAFF WAS FORCED, I TAKE -- I ASSUME
13 TO HAVE TO EVALUATE SOMETHING OF SOME SIGNIFICANT
14 IMPORTANCE IN A MATTER OF A DAY. THAT CONCERNS
15 ME, THAT WE'RE GETTING JAMMED AGAIN ON IMPORTANT,
16 CRITICAL INFORMATION. AND IF THIS HAD NOT COME
17 IN, I ASSUME -- I DON'T KNOW WHAT THE STAFF
18 RECOMMENDATION WOULD HAVE BEEN, BUT YOU HAD TO
19 SCRAMBLE, I TAKE IT.

20 MR. DIER: MR. CHAIRMAN, DON DIER,
21 MANAGER OF THE PERMITS BRANCH. I THINK I CAN SAY
22 IF THE PLAN HAD NOT COME IN OR IT HAD NOT BEEN
23 FOUND ACCEPTABLE BY STAFF, IT HAD BEEN REVIEWED BY
24 ENGINEERS WITHIN THE DIVISION, OUR PERMIT STAFF
25 AND ENFORCEMENT STAFF AND IF IT HAD NOT BEEN FOUND

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1 ACCEPTABLE, WE WOULD BE SITTING HER RECOMMENDING
2 OBJECTION.

3 BOARD MEMBER CHESBRO: HOW FIRM IS THE
4 COMPLIANCE SCHEDULE? WHEN WILL THEY HAVE TO HAVE
5 THIS PROPERTY PURCHASED IN ORDER TO AVOID THE
6 REQUIREMENT FOR THE GAS SYSTEM?

7 MS. ROSALES: OCTOBER 1, 1997.

8 CHAIRMAN PENNINGTON: ANY ADDITIONAL
9 QUESTIONS? I HAVE NOTHING FOR PUBLIC COMMENT. SO
10 I'LL ENTERTAIN A MOTION. WHAT'S YOUR PLEASURE?

11 BOARD MEMBER CHESBRO: I HAVE ONE MORE
12 QUESTION. I'M SORRY. SO IF THEY FAIL TO MEET THE
13 TIME LINE FOR THE PURCHASE, PROPERTY PURCHASE,
14 THEN WHAT IS THE TIME LINE FOR THE GAS SYSTEM?

15 MS. ROSALES: AT THE SAME TIME THAT
16 THEY'RE PROCEEDING WITH ACQUIRING THE PROPERTY,
17 THEY'RE ALSO PROCEEDING WITH SUBMITTING AN
18 APPLICATION FOR AUTHORITY TO CONSTRUCT A GAS
19 EXTRACTION SYSTEM, SO THEY ARE WORKING ON TWO
20 PATHS HERE.

21 BOARD MEMBER CHESBRO: WHEN WOULD THAT BE
22 REQUIRED TO BE IN PLACE?

23 MS. ROSALES: MARCH 1ST IS THE DATE THAT
24 WOULD BE REQUIRED FOR THE APPLICATION FOR THE
25 AUTHORITY TO CONSTRUCT, MARCH 1, '97.

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1 BOARD MEMBER CHESBRO: JUST THE
2 APPLICATION. WHEN WOULD BE THE DEADLINE FOR
3 HAVING IT IN PLACE?

4 MS. ROSALES: IN PLACE IS AS ORIGINALLY
5 STATED IN THE NOTICE AND ORDER, JUNE 1, 1998.

6 BOARD MEMBER RELIS: MR. CHAIR, I GUESS I
7 NEED TO ASK THIS ONE MORE TIME EVEN THOUGH MR.
8 FRAZEE DID. ONCE AGAIN, UNDER OUR LAWS, A
9 MITIGATION CAN BE ACHIEVED THROUGH EXPANSION.

10 MR. DIER: MR. RELIS, I DON'T THINK THE
11 TITLE 14 ADDRESSES IT QUITE FROM THAT ANGLE. WHAT
12 TITLE 14 LAYS OUT IS A STANDARD FOR GAS
13 CONCENTRATIONS AT THE BOUNDARY OF THE PROPERTY.
14 DEPENDING ON WHERE THAT BOUNDARY HAPPENS TO BE IS
15 WHERE YOU TAKE THE READINGS. SO IT REALLY DOESN'T
16 ADDRESS, YOU KNOW --

17 BOARD MEMBER RELIS: SORT OF A DILUTION
18 SOLUTION APPROACH.

19 MR. POMAVILLE: DAVE POMAVILLE, FRESNO
20 COUNTY LEA. THE CITY OF CLOVIS HAS PROPOSED TO
21 ACQUIRE THIS PROPERTY FOR OTHER REASONS AS WELL.
22 JUST IN THEIR CLARIFICATION OF WHY THEY'RE
23 PURCHASING OF THE PROPERTY, IT HASN'T -- IT WASN'T
24 BROUGHT UP AS AN IDEA TO SIMPLY MITIGATE. THEY
25 HAD PLANS TO ACQUIRE THE PROPERTY AND HAVE HAD

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1 PLANS TO ACQUIRE THE PROPERTY FOR SOME TIME. THEY
2 HAVE PROPOSED THE QUESTION TO US: WHAT WOULD THAT
3 DO, THEN, IF WE WERE TO ACQUIRE THE PROPERTY AND
4 EXPAND THE PERMIT BOUNDARY? WOULD THAT PROVIDE
5 ANY REGULATORY RELIEF? SO THAT'S JUST FOR YOUR
6 INFORMATION HOW IT WAS PROPOSED TO US.

7 BOARD MEMBER CHESBRO: I'M GETTING A GET
8 A SORE NECK TURNING MY NECK BACK AND FORTH.

9 CHAIRMAN PENNINGTON: HELPS MY TENNIS
10 GAME.

11 BOARD MEMBER CHESBRO: IS IT FAIR TO
12 ASSUME THAT UNDER OTHER SECTIONS OF THE CODE THAT
13 THE OVERALL RELEASE OF LANDFILL GAS IS REGULATED
14 SEPARATE FROM THE QUESTION OF WHAT'S RELEASED --
15 WHAT THE GAS PRESENCE IS AT THE BOUNDARY. THEY
16 HAVE AN AIR DISCHARGE REQUIREMENT FROM THE LOCAL
17 AIR DISTRICT.

18 MR. POMAVILLE: YES. THEY ARE REGULATED.
19 I'M NOT SURE TO WHAT LEVEL THEY ARE -- THEY'RE
20 UNDER A PERMIT FOR THAT RELEASE AT THIS POINT OR
21 NOT, BUT I KNOW THAT THEY ARE MONITORED AND THE
22 LOCAL AIR POLLUTION CONTROL DISTRICT WHO DOES HAVE
23 REGULATORY OVERSIGHT OF THE FACILITY FOR RELEASES
24 OF METHANE GAS.

25 BOARD MEMBER CHESBRO: WHAT WE'RE TALKING

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1 ABOUT IS THE PORTION THAT COMES UNDER OUR
2 AUTHORITY, WHICH IS THE QUESTION OF THE RELEASE AT
3 THE BOUNDARY.

4 MR. POMAVILLE: YES, THAT IS CORRECT.
5 YES. MOVING ONTO THE ADJACENT PROPERTY.

6 BOARD MEMBER CHESBRO: IS THERE ANY ISSUE
7 THAT IS YOUR UNDER OUR AUTHORITY THAT RELATES TO
8 THE EXPOSURE TO PEOPLE WHO ARE AT THE LANDFILL,
9 YOU KNOW, THE HEALTH AND SAFETY ISSUE, WORKER
10 PEOPLE -- DRIVING TRUCKS ON THE LANDFILL OR
11 MEMBERS OF THE PUBLIC THAT VISIT THE LANDFILL?

12 MR. POMAVILLE: THAT'S ONE ELEMENT OF THE
13 NOTICE AND ORDER THAT IS INCLUDED. THEY DO
14 ROUTINE AMBIENT AIR MONITORING TO ADDRESS THAT
15 CONCERN. THE MONITORING DONE TO DATE HAS NOT
16 IDENTIFIED ANY LEVEL OF SIGNIFICANT EXPOSURE OF
17 METHANE GAS TO PEOPLE WORKING IN THE AREA.

18 BOARD MEMBER FRAZEE: ONE OTHER QUESTION.
19 IS THIS MITIGATION ALTERNATIVE SPECIFIED IN THE
20 EIR OR DOES IT NEED TO BE? IT SEEMS LIKE THE
21 SIGNIFICANT EXPANSION OF THE SIZE OF THE LANDFILL
22 IS SOMETHING THAT NEEDS TO BE --

23 MR. ROSALES: THAT WOULD BE ADDRESSED
24 DURING ANOTHER PERMIT REVISION. IF THEY DO
25 ACQUIRE THE PROPERTIES, THEN THEY WOULD BE COMING

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1 BACK BEFORE THE BOARD TO REVISE THE PERMIT.

2 BOARD MEMBER FRAZEE: SO THEY WOULD NEED

3 A NEW --

4 MS. ROSALES: OR AS THE LEA DETERMINES

5 APPROPRIATE.

6 CHAIRMAN PENNINGTON: ANY ADDITIONAL

7 QUESTIONS? WHAT'S YOUR PLEASURE?

8 BOARD MEMBER FRAZEE: I'LL MOVE ADOPTION

9 OF PERMIT DECISION 97-18.

10 BOARD MEMBER JONES: I'LL SECOND IT.

11 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND

12 SECONDED. WILL THE SECRETARY CALL THE ROLL,

13 PLEASE.

14 BOARD SECRETARY: BOARD MEMBER CHESBRO.

15 BOARD MEMBER CHESBRO: I'M GOING TO AGAIN

16 RELUCTANTLY VOTE AYE.

17 BOARD SECRETARY: FRAZEE.

18 BOARD MEMBER FRAZEE: AYE.

19 BOARD SECRETARY: GOTCH.

20 BOARD MEMBER GOTCH: AYE.

21 BOARD SECRETARY: JONES.

22 BOARD MEMBER JONES: AYE.

23 BOARD SECRETARY: RELIS.

24 BOARD MEMBER RELIS: AYE.

25 BOARD SECRETARY: CHAIRMAN PENNINGTON.

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1 CHAIRMAN PENNINGTON: AYE.

2 BOARD MEMBER RELIS: I'M WONDERING IF WE
3 CAN REQUEST THAT PERMITS AND ENFORCEMENT, MAYBE,
4 THAT WE GET PERHAPS AN UPDATE ON, FIRST OF ALL,
5 THE FEDERAL, THE NEW FEDERAL LAWS ON GAS
6 EMISSIONS, AND THEN JUST TAKE A DEEPER LOOK AT
7 THIS ISSUE OF BOUNDARIES AND WHAT ARE OUR
8 OPERATING PARAMETERS HERE. I THINK IT WOULD HELP
9 US BECAUSE THIS DID NOT JUMP OUT AT ME IN THE
10 REVIEW, AND NOW I THINK MY INTEREST IS PERKED.

11 CHAIRMAN PENNINGTON: CERTAINLY WE CAN
12 ASK THAT.

13 BOARD MEMBER FRAZEE: YES.

14 MS. RICE: OKAY. WE'LL DO THAT.

15 CHAIRMAN PENNINGTON: FINE. BEFORE WE
16 RECESS FOR LUNCH, SHALL WE TAKE UP ITEM 29, WHICH
17 I THINK SHOULD BE RATHER QUICK. CONSIDERATION OF
18 THE ISSUANCE OF A REVISED SOLID WASTE PERMIT FOR
19 THE OSTROM ROAD SANITARY LANDFILL IN YUBA COUNTY.

20 IT'S MY UNDERSTANDING THAT BEFORE
21 THE STAFF TALKS, THAT IT'S MY UNDERSTANDING THAT
22 THE OPERATOR OF YUBA/SUTTER DISPOSAL INCORPORATED
23 WOULD LIKE TO MAKE A STATEMENT ON THIS ITEM
BEFORE

24 THE BOARD HEARS IT.

25 MR. SWEETSER: THANK YOU VERY MUCH,

CHAIR

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1 PENNINGTON, MEMBERS OF THE BOARD. MY NAME IS
2 LARRY SWEETSER, DIRECTOR OF REGULATORY AFFAIRS,
3 NORCAL WASTE SYSTEM. ON BEHALF OF YUBA/SUTTER
4 DISPOSAL INC., THE OWNER AND OPERATOR OF THE
5 OSTROM ROAD SANITARY LANDFILL, WE APPRECIATE THE
6 EFFORTS OF ALL PARTIES OF THE BOARD, THE STAFF,
7 THE LEA IN THIS MATTER. WE'VE ALL BEEN VERY BUSY
8 TRYING TO ADDRESS SOME VERY BASIC CONCERNS. IT
9 BOILS DOWN TO SOME FUNDAMENTAL FLAWS IN THE
10 PERMITTING PROCESS THAT WE FOUND.

11 WE CAN APPROVE LEGISLATION TO CLEAN
12 UP THE POLICY AND AVOID CONFLICTS, WE CAN
13 PROMULGATE REGULATIONS, BUT WHAT IT COMES DOWN TO
14 IS IMPLEMENTATION AND REALITY. THERE'S BEEN NO
15 CHANGE IN NORCAL'S FUNDAMENTAL CONCERNS, BUT THE
16 CONCERNS ARE STILL VALID. UNFORTUNATELY, THE
17 CURRENT PROCESS FORCES THESE CONSIDERATIONS EVEN
18 THOUGH THE SOLID WASTE FACILITY PERMIT IS NOT THE
19 PLACE TO BE ARGUING POLICY DECISIONS.

20 THESE SITUATIONS WILL RECUR UNTIL
21 THAT PROCESS IS FIXED. THIS FUNDAMENTAL FLAW
22 ACTUALLY REQUIRES SOME URGENT ATTENTION BY THE
23 BOARD AS PART OF A PHASE II PROCESS. THE FLAW IS
24 THAT THERE'S NO FORMAL PROCESS THAT ALLOWS
25 OPERATORS TO CONTEST PERMIT TERMS AND CONDITIONS

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1 WITHOUT CONFRONTATION IN FRONT OF THE BOARD. THE
2 PERMIT SUBMITTAL AND APPROVAL PROCESS ALLOWS NO
3 RECOURSE TO ADDRESS CONDITIONS THE OPERATOR DEEMS
4 UNACCEPTABLE AND, THEREFORE, FORCES THE CURRENT
5 SITUATION, WHICH PUTS IT IN FRONT OF THE BOARD.

6 WHERE THAT LEAVES US TODAY IS THAT
7 THERE'S A PERMIT PENDING. DECISIONS HAVE TO BE
8 MADE. I WANT TO STATE A FEW FACTS FOR THE RECORD
9 ON OSTROM ROAD'S BACKGROUND.

10 OSTROM ROAD IS A BRAND NEW LANDFILL.
11 THERE'S NO VIOLATIONS EXIST, NO ENVIRONMENTAL OR
12 TECHNICAL PROBLEMS EXIST AT THE SITE. THE
13 FACILITY IS ENVIRONMENTALLY SOUND. THAT'S NEVER
14 QUESTIONED. THE FACILITY OPERATIONS, THE
15 DESIGN -- SITE DESIGN MEETS OR EXCEEDS ALL
16 STANDARDS.

17 THE LOCAL APPROVAL PROCESS YEARS AGO
18 RESULTED IN WATER BOARD AND THIS WASTE BOARD
19 CONCURRING IN THAT PERMIT, WHICH RESULTED IN
20 OSTROM ROAD BEING THE FIRST NEW LANDFILL IN
21 CALIFORNIA THAT WAS APPROVED, THAT MET OR EXCEEDED
22 THE MOST STRINGENT STANDARDS OF SUBTITLE D.

23 RECENTLY THERE'S BEEN A REVIEW AND
24 APPROVAL BOTH IN CEQA, USE PERMIT, THE REGIONAL
25 BOARD HAS REVISED WDR'S TO REFLECT THESE CHANGES.

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1 IT'S NOW AT THE WASTE BOARD. THE PERMIT HAS BEEN
2 SUBMITTED AND THE ISSUE'S BEFORE YOU. THROUGHOUT
3 THIS PROCESS WE'VE ALWAYS PROPOSED THE SAME
4 CURRENTLY PERMITTED DESIGN. WE HAVE NOT CHANGED
5 THAT. THERE ARE NO EXISTING PROBLEMS. THE
6 FACILITY IS ENVIRONMENTALLY SOUND.

7 YOU ALL ARE AWARE OF THE RECENT
8 FLOOD SITUATION. YUBA COUNTY WAS HIT VERY HARD.
9 BUT ALSO THE DEPARTMENT OF WATER RESOURCES HAS
10 GONE ON RECORD SAYING THIS IS THE WORST STATEWIDE
11 FLOOD THEY'VE SEEN IN HISTORY. THERE IS NOT A
12 SINGLE PROBLEM AT OSTROM ROAD. OSTROM ROAD
13 REMAINED OPERATIONAL THROUGHOUT THE STORMS. AND
14 THEREFORE THE PROBLEM.

15 WHAT WE HAVE IS THE LEA'S PROPOSED
16 PERMIT CONDITION THAT CONFLICTS WITH CURRENT FULLY
17 APPROVED DESIGN AND PREVIOUSLY DETERMINED
18 DETERMINATIONS MADE FOR THE SITE PERMITS. IT
19 POSES UNACCEPTABLE PERMIT CONDITIONS. THE ISSUE
20 HAS NOT BEEN RAISED BEFORE. CURRENT DESIGN WE
21 FEEL COMPLIES. WE SEE NO SUBSTANTIATION FOR THE
22 CONDITION. AND THROUGHOUT THIS PROCESS, THE LEA
23 AND THE OPERATOR HAVE WORKED ON MANY ISSUES. WE
24 RESOLVED MANY ISSUES. IN FACT, THE LEA HAS BEEN
25 EXTREMELY HELPFUL IN ADDRESSING FLOOD CONDITIONS

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1 WITH US AND SEEKING BOARD APPROVAL UNDER EMERGENCY
2 ISSUES TO ADDRESS FLOOD SITUATIONS, BUT WE HAVE NO
3 AGREEMENT ON THIS ISSUE.

4 AND THE PROBLEM REMAINING IS ONE
5 CONDITION THAT WE FEEL IS FUNDAMENTALLY
6 UNACCEPTABLE TO US. BOTH THE CURRENT AND PROPOSED
7 LANGUAGE THAT'S BEEN SENT FORWARD IS STILL
8 UNACCEPTABLE. IN ORDER TO ADDRESS THESE CONCERNS,
9 IT'S GOING TO REQUIRE EXTENSIVE AND EXPENSIVE
10 REVIEW, TECHNICAL REVIEW, TO ADDRESS IT AND THE
11 CLOCK IS RUNNING OUT. WE WORKED, TRIED BOTH HARD
12 ON BOTH SIDES TO ADDRESS THESE ISSUES, BUT BOTH
13 OUR EFFORTS HAVE BEEN HAMPERED BY THE FLOODS AND
14 HOLIDAYS.

15 THEREFORE, WITH MUCH RELUCTANCE ON
16 BEHALF OF THE OWNER AND OPERATOR, YUBA DISPOSAL,
17 INC., WE'RE FORMALLY REQUESTING WITHDRAWAL OF THE
18 APPLICATION. WE'D LIKE TO START THE PROCESS
OVER.

19 WE NEED TO ALLOW TIME TO GO BACK AND ADDRESS THE
20 LEA CONCERNS LOCALLY. WE EXPECT TO BE
21 RESUBMITTING OUR PERMIT TO YOU SHORTLY AND
22 APPRECIATE YOUR EXPEDITIOUS REVIEW. WE HAVE ALL
23 EXPECTATIONS WE CAN WORK THIS OUT LOCALLY, JUST
24 NEED THE TIME. AND WE HOPE TO BE HEARD IN MARCH
25 AT THE P&E COMMITTEE. AND I WANT TO THANK YOU

FOR

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1 YOUR TIME AND EFFORT.

2 CHAIRMAN PENNINGTON: THANK YOU, MR.
3 SWEETSER.

4 MR. DIER: MR. CHAIRMAN, JUST FOR THE
5 RECORD, I'D LIKE TO ACKNOWLEDGE THAT JOHN
6 WHITEHILL OF THE STAFF AND DEBORAH BIERSTEKER OF
7 THE LEA ARE HERE TO ANSWER ANY QUESTIONS. MR.
8 SWEETSER DID ACKNOWLEDGE WITHDRAWAL OF THE PERMIT
9 APPLICATION. HE DID POINT OUT SOME AREAS THAT
10 NEED ADDRESSING.

11 I THINK PROBABLY THE LEGISLATURE,
12 BUT MORE FUNDAMENTALLY I THINK THERE ARE SOME
13 ISSUES THAT PROBABLY NEED TO BE ADDRESSED
14 INTERNALLY AND WITH THE BOARD WITH REGARD TO WHAT
15 IS A SOLID WASTE FACILITIES PERMIT. AND THAT IS
16 AN ACTIVITY THAT WE'RE GOING TO BE UNDERTAKING
17 VERY SOON. POST 1220, POST AB 59, POST EVERYTHING
18 ELSE, WE NEED TO REDEFINE WHAT A SOLID WASTE
19 FACILITIES PERMIT IS.

20 ANOTHER FUNDAMENTAL ISSUE, AND I
21 HADN'T INTENDED TO SAY ANYTHING, EXCEPT MR.
22 SWEETSER DID MENTION IT, IS THAT ONE OF THE BASIC
23 ISSUES IS THE RIGHT OF AN LEA TO ADD CONDITIONS
24 INTO A PERMIT. IN THIS CASE I BELIEVE MS.
25 BIERSTEKER HAS ACTED WELL WITHIN HER AUTHORITY.

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1 STAFF WERE SUPPORTIVE OF THE MOST RECENT
2 AMENDMENTS TO THE PERMIT THAT WOULD HAVE BEEN
3 DISCUSSED AND PRESENTED THIS MORNING; HOWEVER, THE
4 PERMIT APPLICATION HAS BEEN WITHDRAWN. WE WILL
5 LOOK FORWARD TO THE APPLICATION BEING REFILED WITH
6 MS. BIERSTEKER AND WORKING WITH HER AND NORCAL IN
7 BRINGING THE PERMIT FORWARD TO THE BOARD IN THE
8 FUTURE.

9 CHAIRMAN PENNINGTON: THANK YOU. ANY
10 QUESTIONS OF STAFF OR THE LEA? IF NOT, WE THANK
11 YOU VERY MUCH. AND WE WILL RECESS FOR LUNCH AND
12 BE BACK ABOUT QUARTER OF TWO.

13 (LUNCH RECESS TAKEN.)

14 CHAIRMAN PENNINGTON: THE BOARD WILL COME
15 BACK TO ORDER FOR THE AFTERNOON SESSION, AND WE'LL
16 START WITH ITEM 31, CONSIDERATION OF CONCURRENCE
17 IN THE ISSUANCE OF A REVISED SOLID WASTE FACILITY
18 PERMIT FOR THE CITY OF SANTA CRUZ CLASS III
19 SANITARY LANDFILL IN SANTA CRUZ COUNTY. DOROTHY
20 RICE.

21 MS. RICE: THANK YOU, MR. CHAIRMAN. JEFF
22 HACKETT WILL PRESENT THIS PERMIT AND THE NEXT ITEM
23 FOR STAFF.

24 MR. HACKETT: GOOD AFTERNOON. CURRENTLY
25 THE BOARD IS SERVING AS THE ENFORCEMENT AGENCY IN

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1 THE COUNTY OF SANTA CRUZ. THE COMMITTEE VOTED
2 THREE OH ON CONCURRENCE IN THIS PERMIT. THE CITY
3 OF SANTA CRUZ LANDFILL IS OWNED AND OPERATED BY
4 THE CITY. THE FACILITY FIRST BEGAN OPERATION BACK
5 IN THE MID-1920S AS A BURN DUMP AND RECEIVED ITS
6 FIRST SOLID WASTE FACILITIES PERMIT IN 1978. THE
7 PERMIT WAS REVISED IN 1994 TO REFLECT SEVERAL
8 CHANGES IN DESIGN AND OPERATION.

9 THE PROPOSAL BEFORE YOU TODAY IS TO
10 REVISE THE PERMIT TO ALLOW FOR THE FOLLOWING
11 CHANGES IN DESIGN AND OPERATION: INCREASE THE
12 SOLID WASTE DISPOSAL FOOTPRINT FROM 40 ACRES TO 67
13 ACRES, WHICH WILL EXTEND THE SITE LIFE TO THE YEAR
14 2037, THE ONGOING USE OF GEOSYNTHETIC BLANKETS AS
15 AN ALTERNATIVE DAILY COVER, ACCEPTANCE OF NON-
16 HAZARDOUS LEATHER SLUDGE FROM SALZ TANNERY, CHANGE
17 IN THE FINAL GRADING PLAN FROM A 500 FOOT PEAK AND
18 GRADUAL SLOPE TO A 510 FOOT PLATEAU.

19 THE SITE IS CURRENTLY OPERATING
20 UNDER TWO CEASE AND DESIST ORDERS ISSUED BY THE
21 REGIONAL WATER QUALITY CONTROL BOARD. THE WATER
22 BOARD IS SATISFIED WITH THE PROGRESS MADE TO DATE
23 TO MEET THOSE TIME LINES.

24 ENFORCEMENT AGENCY SECTION STAFF
25 CONDUCTED AN INSPECTION OF THE FACILITY ON

21 IS ONE OF THOSE THAT FALLS IN THE CATEGORY I
22 TALKED ABOUT EARLIER, THAT WOULD HAVE BEEN RECOM-
23 MENDED FOR CONSENT, BUT THE FACT THAT CURRENT
24 POLICY REQUIRES THAT ALL PERMITS THAT -- WHERE
THE
25 BOARD SERVES AS THE EA, THAT THOSE COME TO THE

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1 FULL BOARD.

2 CHAIRMAN PENNINGTON: THANK YOU.

3 QUESTIONS?

4 BOARD MEMBER RELIS: THERE'S -- I
5 RECOMMEND CONCURRENCE AND STATE AT THE SAME TIME
6 THAT THIS IS A LANDFILL THAT I REMEMBER EARLY ON
7 AT THE BOARD THAT WE TOOK OVER AS LEA AND HAD --
8 IT HAD MAJOR PROBLEMS. IT HAD A STREAM, I THINK,
9 RUNNING THROUGH THE CENTER, AND WE'VE PUT THIS IN
10 COMPLIANCE. AND I THINK WE SHOULD BE -- WE COULD
11 BE ENTHUSIASTIC ABOUT THIS ONE. I KNOW WE HAD A
12 FEW OTHERS EARLIER IN THE DAY THAT IT'S HARD TO BE
13 ENTHUSIASTIC ABOUT.

14 CHAIRMAN PENNINGTON: I KNOW I NOTED A
15 LACK OF ENTHUSIASM.

16 BOARD MEMBER CHESBRO: I GUESS I'LL
17 SECOND PAUL'S MOTION IF THAT'S WHAT YOU ARE TRYING
18 TO GET AT.

19 CHAIRMAN PENNINGTON: IF THERE'S NO
20 FURTHER DISCUSSION, THE MOTION BEFORE US IS TO
21 ADOPT PERMIT DECISION NO. 97-23. ALL THOSE --
22 WOULD THE SECRETARY CALL THE ROLL.

23 BOARD SECRETARY: BOARD MEMBER CHESBRO.

24 BOARD MEMBER CHESBRO: AYE.

25 BOARD SECRETARY: FRAZEE.

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1 BOARD MEMBER FRAZEE: AYE.

2 BOARD SECRETARY: GOTCH.

3 BOARD MEMBER GOTCH: AYE.

4 BOARD SECRETARY: JONES.

5 BOARD MEMBER JONES: AYE.

6 BOARD SECRETARY: RELIS.

7 BOARD MEMBER RELIS: AYE.

8 BOARD SECRETARY: CHAIRMAN PENNINGTON.

9 CHAIRMAN PENNINGTON: AYE. THE MOTION

10 CARRIES.

11 MOVE ON TO ITEM 32, CONSIDERATION OF
12 CONCURRENCE IN THE ISSUANCE OF A REVISED SOLID
13 WASTE FACILITY PERMIT FOR THE INDEPENDENT TRUCKING
14 COMPANY, INC. TRANSFER STATION AND RECYCLING
15 FACILITY IN SAN JOAQUIN COUNTY.

16 MR. HACKETT: AGAIN, THE COMMITTEE VOTED
17 THREE OH FOR CONCURRENCE ON THIS PERMIT. THIS
18 FACILITY FIRST BEGAN OPERATION BACK IN 1935 AND
19 RECEIVED ITS FIRST SOLID WASTE FACILITY PERMIT IN
20 1978. PERMIT WAS MODIFIED IN 1991 AND AUTHORIZES
21 THE FACILITY TO ACCEPT UP TO 250 TONS PER DAY OF
22 RECYCLABLE MATERIALS.

23 IN ORDER TO MEET THE GROWING DEMANDS
24 OF RESOURCE RECOVERY, THE OPERATOR PROPOSES TO
25 INCREASE THE PERMANENT TONNAGE FROM A PEAK OF 250

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1 TONS TO 500 TONS PER DAY. TO MANAGE THE INCREASED
2 TONNAGE, THE OPERATOR PROPOSES TO EXPAND THE
3 PROCESSING AND STORAGE AREA FROM 1.93 ACRES TO
4 1.97 ACRES.

5 THE FACILITY PREDOMINANTLY RECEIVES
6 SOURCE SEPARATED MATERIALS SUCH AS ALUMINUM,
7 CARDBOARD, GLASS, PAPER, AND PLASTICS FROM
8 COMMERCIAL, RESIDENTIAL, INDUSTRIAL, CONSTRUCTION
9 AND DEMOLITION CUSTOMERS.

10 IN 1995 THE FACILITY ACCEPTED AN
11 AVERAGE OF 57 TONS PER DAY WITH A PEAK DAILY
12 LOADING OF 250. NONRECYCLABLE MATERIALS ARE
13 STORED IN 20 CUBIC YARD METAL CONTAINERS FOR NO
14 MORE THAN 48 HOURS BEFORE BEING TRANSPORTED TO THE
15 FORWARD INC. LANDFILL. IN 1995 NONRECYCLABLE
16 MATERIALS REPRESENTED LESS THAN 2 PERCENT OF THE
17 ENTIRE TONNAGE HANDLED AT THE FACILITY.

18 ENFORCEMENT AGENCY SECTION STAFF
19 CONDUCTED AN INSPECTION OF THE SITE ON DECEMBER
20 20TH AND NO VIOLATIONS WERE IDENTIFIED. BOARD
21 STAFF HAVE NOT RECEIVED ANY COMPLAINTS REGARDING
22 THIS FACILITY.

23 CEQA HAS BEEN COMPLIED WITH.
24 FACILITY IS IN CONFORMANCE WITH THE CITY OF
25 STOCKTON GENERAL PLAN. FACILITY IS IN CONFORMANCE

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1 WITH THE SAN JOAQUIN COUNTY SOLID WASTE MANAGEMENT
2 PLAN.

3 STAFF RECOMMEND THAT THE BOARD ADOPT
4 SOLID WASTE FACILITY PERMIT DECISION NO. 97-24,
5 CONCURRING IN THE ISSUANCE OF SOLID WASTE
6 FACILITIES PERMIT NO. 39-AA-0016. THAT CONCLUDES
7 MY PRESENTATION.

8 CHAIRMAN PENNINGTON: QUESTIONS OF STAFF?

9 BOARD MEMBER FRAZEE: MOVE ADOPTION OF
10 PERMIT DECISION 97-24.

11 BOARD MEMBER GOTCH: SECOND.

12 CHAIRMAN PENNINGTON: IF THERE'S NO
13 FURTHER DISCUSSION, MOTION IS TO ADOPT BOARD
14 PERMIT DECISION NO. 97-24. SECRETARY CALL THE
15 ROLL.

16 BOARD SECRETARY: BOARD MEMBER CHESBRO.

17 BOARD MEMBER CHESBRO: AYE.

18 BOARD SECRETARY: FRAZEE.

19 BOARD MEMBER FRAZEE: AYE.

20 BOARD SECRETARY: GOTCH.

21 BOARD MEMBER GOTCH: AYE.

22 BOARD SECRETARY: JONES.

23 BOARD MEMBER JONES: AYE.

24 BOARD SECRETARY: RELIS.

25 BOARD MEMBER RELIS: AYE.

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1 BOARD SECRETARY: CHAIRMAN PENNINGTON.

2 CHAIRMAN PENNINGTON: AYE. MOTION

3 CARRIES.

4 ITEM NO. 33, CONSIDERATION OF THE
5 ADOPTION OF NEGATIVE DECLARATION AND THE PROPOSED
6 FINANCIAL ASSURANCE ENFORCEMENT REGULATIONS FOR
7 SOLID WASTE LANDFILL FISCAL ASSURANCE VIOLATIONS.

8 MS. RICE: THANK YOU, MR. CHAIRMAN.

9 DIANA VAUGHN-THOMAS WILL MAKE THE PRESENTATION FOR
10 STAFF.

11 MS. VAUGHN-THOMAS: GOOD AFTERNOON,
12 CHAIRMEN PENNINGTON, MEMBERS OF THE BOARD. THIS
13 PARTICULAR ITEM IS TWOFOLD. THE FIRST IS THE
14 ADOPTION OF THE NEGATIVE DECLARATION FOR THE
15 FINANCIAL ASSURANCE ENFORCEMENT REGULATIONS. IT'S
16 DECLARATION NO. 96092039.

17 BOTH THE NEGATIVE DECLARATION AND
18 THE REGULATIONS WERE CONSIDERED BY THE PUBLIC,
19 DISTRIBUTED TO THE PUBLIC FOR REVIEW IN SEPTEMBER
20 OF 1996. LAST MONTH AT THE BOARD'S NOVEMBER BOARD
21 MEETING, THE BOARD HEARD THIS ITEM FOR CONSIDERA-
22 TION BOTH FOR THE NEGATIVE DECLARATION FOR
23 ADOPTION AND THE REGULATIONS FOR ADOPTION. AT
24 THAT MEETING MR. CHUCK WHITE OF THE WASTE
25 MANAGEMENT BOARD PROVIDED COMMENTS REGARDING THE

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1 INABILITY TO PAY FACTOR WHICH WAS INCLUDED AS A
2 FACTOR TO DETERMINE AN INITIAL PENALTY FOR
3 FINANCIAL ASSURANCE VIOLATIONS.

4 AFTER LISTENING TO THE TESTIMONY,
5 THE BOARD DECIDED TO DIRECT STAFF TO GO OUT FOR AN
6 ADDITIONAL 15-DAY COMMENT PERIOD AND DELETE THE
7 INABILITY TO PAY FACTOR. WE WENT OUT FOR AN
8 ADDITIONAL 15-DAY COMMENT PERIOD, AND I DID NOT
9 RECEIVE ANY COMMENTS DURING THAT PERIOD.

10 THEREFORE, STAFF RECOMMENDS THAT THE
11 BOARD ADOPT RESOLUTION 97-29, ADOPTING THE
12 NEGATIVE DECLARATION FOR THE FINANCIAL ASSURANCE
13 ENFORCEMENT REGULATIONS AND RESOLUTION 97-30,
14 ADOPTING THE FINANCIAL ASSURANCE ENFORCEMENT
15 REGULATIONS. THIS CONCLUDES MY PRESENTATION. IF
16 YOU HAVE ANY QUESTIONS, I'LL BE HAPPY TO ANSWER
17 THEM.

18 CHAIRMAN PENNINGTON: QUESTIONS OF
STAFF?

19 MR. CHESBRO.

20 BOARD MEMBER CHESBRO: ACTUALLY I HAVE A
21 COMMENT. ONE OF THE THINGS THAT WE'RE DOING HERE
22 IS ELIMINATING FINANCIAL ABILITY. AS A QUESTION,
23 I JUST WANTED TO NOTE THIS IS CONSISTENT WITH
24 LEGISLATION THAT SENATOR BURTON HAS INTRODUCED TO
25 BAN POVERTY IN CALIFORNIA.

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1 CHAIRMAN PENNINGTON: THAT'S GOOD.

2 BOARD MEMBER CHESBRO: THANK YOU FOR
3 LAUGHING A LITTLE BIT. THAT'S ALL, MR. CHAIRMAN.

4 CHAIRMAN PENNINGTON: OKAY. ANY OTHER
5 QUESTIONS? COMMENTS?

6 BOARD MEMBER FRAZEE: IF NOT, I'LL MOVE
7 ADOPTION OF RESOLUTION 97-29, WHICH IS THE
8 NEGATIVE DECLARATION.

9 BOARD MEMBER RELIS: SECOND.

10 CHAIRMAN PENNINGTON: NO FURTHER
11 DISCUSSION, WILL SECRETARY CALL THE ROLL, PLEASE.

12 BOARD SECRETARY: BOARD MEMBER CHESBRO.

13 BOARD MEMBER CHESBRO: AYE.

14 BOARD SECRETARY: FRAZEE.

15 BOARD MEMBER FRAZEE: AYE.

16 BOARD SECRETARY: GOTCH.

17 BOARD MEMBER GOTCH: AYE.

18 BOARD SECRETARY: JONES.

19 BOARD MEMBER JONES: AYE.

20 BOARD SECRETARY: RELIS.

21 BOARD MEMBER RELIS: AYE.

22 BOARD SECRETARY: CHAIRMAN PENNINGTON.

23 CHAIRMAN PENNINGTON: AYE. MOTION

24 CARRIES.

25 BOARD MEMBER FRAZEE: MOVE ADOPTION OF

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1 RESOLUTION 97-30, WHICH IS THE ADOPTION OF THE
2 REGULATIONS THEMSELVES.

3 BOARD MEMBER RELIS: SECOND.

4 CHAIRMAN PENNINGTON: DISCUSSION ON THIS?
5 IF NOT, WILL THE SECRETARY CALL THE ROLL, PLEASE.

6 BOARD SECRETARY: BOARD MEMBER CHESBRO.

7 BOARD MEMBER CHESBRO: AYE.

8 BOARD SECRETARY: FRAZEE.

9 BOARD MEMBER FRAZEE: AYE.

10 BOARD SECRETARY: GOTCH.

11 BOARD MEMBER GOTCH: AYE.

12 BOARD SECRETARY: JONES.

13 BOARD MEMBER JONES: AYE.

14 BOARD SECRETARY: RELIS.

15 BOARD MEMBER RELIS: AYE.

16 BOARD SECRETARY: CHAIRMAN PENNINGTON.

17 CHAIRMAN PENNINGTON: AYE. MOTION

18 CARRIES.

19 MOVE TO ITEM 34, CONSIDERATION OF
20 ADOPTION OF THE INTEGRATED WASTE MANAGEMENT
21 DISASTER PLAN. JUDY FRIEDMAN.

22 MS. FRIEDMAN: GOOD AFTERNOON, CHAIRMAN
23 PENNINGTON AND BOARD MEMBERS. THIS ITEM IS THE
24 THIRD PART OF AN ORIGINAL THREE-PART DISASTER
25 PLAN. TO REMIND THE BOARD, PART 1, THE INITIAL

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1 RESPONSE PROCEDURES, WAS ADOPTED BY THE BOARD IN
2 JULY OF 1994, AND IT SETS FORTH OUR INTERNAL
3 COMMAND AND CONTROL PROCEDURES FOR DEALING WITH
4 DISASTERS. PART 2, THE EMERGENCY WAIVER OF
5 STANDARDS REGULATIONS TO ALLOW THE LEA'S TO ISSUE
6 EMERGENCY WAIVERS IN A DECLARED DISASTER, WAS
7 ADOPTED BY THE BOARD LAST YEAR AND WAS EFFECTIVE
8 ON SEPTEMBER 20TH OF LAST YEAR.

9 THIS IS THE FINAL PART OF THE TOTAL
10 DISASTER PREPAREDNESS PLAN, AND IT IS THE
11 INTEGRATED WASTE MANAGEMENT DISASTER PLAN. AND IT
12 HAS BEEN PREPARED PURSUANT TO ASSEMBLY BILL 2920
13 WHICH WAS ENACTED IN 1992. AND THIS LEGISLATION
14 REQUIRES THE BOARD TO DEVELOP A PLAN THAT PROVIDES
15 FOR THE HANDLING, STORAGE, PROCESSING, TRANSPOR-
16 TATION, DIVERSION FROM DISPOSAL SITES OR DISPOSAL
17 WHERE ABSOLUTELY NECESSARY OF SOLID WASTE
18 RESULTING FROM A STATE OR LOCAL EMERGENCY.

19 AND WITH THAT, I'LL TURN THE
20 PRESENTATION OVER TO SHARRON LEAON OF THE OFFICE
21 OF LOCAL ASSISTANCE.

22 MS. LEAON: GOOD AFTERNOON. THE
23 INTEGRATED WASTE MANAGEMENT DISASTER PLAN IS A
24 RESULT OF MANY COOPERATIVE EFFORTS THAT WE'VE
25 STARTED WITH -- THE PLAN IS A RESULT OF MANY

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1 COOPERATIVE EFFORTS THAT WE'VE STARTED WITH LOCAL
2 GOVERNMENT AND DRAWS PRIMARILY FROM THREE SOURCES
3 OF INFORMATION. THE FIRST WOULD BE LOCAL
4 GOVERNMENT REPRESENTATIVES AND THEIR EXPERIENCE IN
5 DEALING WITH DISASTERS AND THE DEBRIS THAT'S
6 GENERATED AS A RESULT OF THOSE; SECONDLY, A NUMBER
7 OF DOCUMENTS THAT HAVE BEEN PREPARED BY LOCAL
8 GOVERNMENT REPRESENTATIVES IN DOCUMENTING HOW THEY
9 HAVE HANDLED SUCH SITUATIONS AND GUIDELINES FOR
10 PROGRAMS THAT CAN HANDLE DISASTER DEBRIS.

11 AND LASTLY, WE'VE INCORPORATED
12 RESEARCH CONDUCTED BY A MULTIDISCIPLINARY TEAM
13 HERE AT THE BOARD COMPRISED OF STAFF AND DIVISIONS
14 OF PERMITTING AND ENFORCEMENT, WASTE PREVENTION
15 AND MARKET DEVELOPMENT, AND DIVERSION PLANNING AND
16 LOCAL ASSISTANCE.

17 THE PLAN IS TO SERVE AS A MODEL FOR
18 LOCAL GOVERNMENTS TO USE TO PREPARE THEIR OWN
19 DEBRIS MANAGEMENT PLANS, HOPEFULLY SAVING THE COST
20 OF RESEARCHING AND DEVELOPING THE PLAN INDIVI-
21 DUALY.

22 IT'S ORGANIZED AS A HANDS-ON
23 DOCUMENT. IT'S A WORKABLE DOCUMENT THAT CAN BE
24 USED IN PARTS DEPENDING ON THE KINDS OF
25 INFORMATION THAT ONE WOULD NEED. WE HAVE

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1 DEVELOPED CHECKLISTS FOR QUICK REFERENCE SO THAT
2 ONE DOESN'T NEED TO READ THE ENTIRE PLAN. THE
3 STANDALONE CHAPTERS ALSO HAVE ATTACHMENTS WITH
4 THEM SO THAT ANY PARTICULAR TOPIC HAS ALL THE
5 INFORMATION CONTAINED IN ONE CHAPTER. WE PLAN FOR
6 ANNUAL UPDATES AND WILL BE DISTRIBUTING WIDELY TO
7 LOCAL GOVERNMENT AND OTHER PARTIES THAT SO
8 REQUEST.

9 THE PLAN HAS BEEN DEVELOPED TO BE
10 CONSISTENT WITH FEMA AND OES GUIDELINES. OES HAS
11 PREPARED MANY GUIDANCE DOCUMENTS, AND WE HAVE
12 FOLLOWED THEIR RECENTLY IMPLEMENTED REGULATIONS ON
13 THE STANDARDIZED EMERGENCY MANAGEMENT SYSTEM.
14 FEMA HAS RECENTLY COME OUT WITH A PILOT DEBRIS
15 MANAGEMENT COURSE, AND WE HAVE TAILORED OUR
16 DOCUMENT TO BE CONSISTENT WITH THE GUIDELINES AND
17 RECOMMENDATIONS THAT THEY HAVE PUT FORWARD.

18 I'LL BRIEFLY GIVE YOU SOME
19 HIGHLIGHTS OF THE PLAN'S CONTENTS, NOT THE WHOLE
20 LISTING OF ALL THE CHAPTERS, BUT THE MAIN PARTS.
21 THE FIRST PART AND PROBABLY THE MOST IMPORTANT ONE
22 IS GOVERNMENT COORDINATION, KNOWING NOT ONLY HOW
23 TO COORDINATE WITHIN YOUR AGENCY, BUT ALSO UNDER-
24 STANDING THE PLAYERS AND THE ROLES THEY HAVE IN
25 STATE AND LOCAL GOVERNMENT. ALSO HOPEFULLY TO

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1 ENCOURAGE PEOPLE TO DEVELOP AN INTERNAL DEBRIS
2 MANAGEMENT TEAM THAT CAN COORDINATE THE EFFORTS OF
3 THE DEBRIS REMOVAL AND RECYCLING OPERATIONS.

4 THE PREDISASTER ASSESSMENT PART IS
5 VERY IMPORTANT TO DETERMINING WHAT KIND OF
6 MATERIALS YOU WILL BE DEALING WITH, AND THAT WILL
7 DETERMINE ALSO THE KINDS OF PROGRAMS THAT YOU WILL
8 BE ESTABLISHING. IT WILL ALSO GIVE YOU A HEADS-UP
9 AS TO HOW PREPARED A JURISDICTION REALLY IS TO
10 HANDLE A GREAT DEAL OF DEBRIS AT ONE TIME.

11 A VERY CRITICAL PART TO THE PLAN AND
12 ONE THAT LOCAL GOVERNMENT HAS ASKED FOR ASSISTANCE
13 ON IS FEMA AND OES REIMBURSEMENT PROCESS. AND
14 WHAT WE'VE DONE IS PROVIDE SOME GENERAL GUIDELINES
15 ALSO REFERRING JURISDICTIONS TO OES AND FEMA FOR
16 SPECIFIC INFORMATION, BUT GIVING GENERAL INFORMA-
17 TION ON THE RULES FOR DEBRIS REMOVAL, THE PUBLIC
18 ASSISTANCE PROGRAMS, AND REIMBURSEMENT GUIDELINES.
19 IT ALSO EMPHASIZES THE NEED TO FOLLOW DOCUMENTA-
20 TION PROCEDURES TO ENSURE THAT ONCE FUNDING IS
21 OBTAINED, FUNDING IS RETAINED AFTER AUDITS.

22 THE BOARD STAFF HAVE DEVELOPED THE
23 COMPREHENSIVE CHAPTERS ON DEBRIS MANAGEMENT
24 PROGRAMS, AND WE HAVE HIGHLIGHTED THREE TYPES OF
25 PROGRAMS THAT HAVE BEEN SUCCESSFUL TO DATE. ONE

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1 IS CURBSIDE PICKUP, THE OTHER IS HOUSEHOLD
2 HAZARDOUS WASTE, AND THE LAST IS BUILDING DEMOLI-
3 TION.

4 THE DEBRIS MANAGEMENT CHAPTER
5 HOPEFULLY ENCOURAGES JURISDICTIONS TO SERIOUSLY
6 THINK ABOUT SETTING UP RECYCLING AND DIVERSION
7 PROGRAMS EVEN IN THE AFTERMATH OF A DISASTER.
8 WITH PLANNING AND FORETHOUGHT, THESE PROGRAMS CAN
9 WORK AND CAN INDEED SAVE TIME, MONEY, AND DISPOSAL
10 COSTS.

11 PERHAPS THE ONE MOST CRITICAL PART
12 THAT WE HAVE HEARD JURISDICTIONS TELL US IS
13 CONTRACT DEVELOPMENT BEFORE A DISASTER HAPPENS.
14 NEGOTIATE YOUR CONTRACTS IN ADVANCE. IN A CRISIS
15 SITUATION STAFF ARE OVERWORKED AND MAY NOT HAVE
16 THE TIME TO REALLY INCORPORATE A RECYCLING
17 COMPONENT. DO ALL THAT BEFOREHAND IT'S A LOT
18 EASIER.

19 AND THE LAST PART IS TEMPORARY
20 STORAGE OF PROCESSING AREAS. IF THERE'S A GREAT
21 DEAL OF DEBRIS, AND THERE MAY NOT BE SPACE TO HOLD
22 THAT MATERIAL UNTIL SUCH TIME AS MARKETS AND
23 PROCESSING OPERATIONS CAN BEGIN, AND SO IT IS
24 INCUMBENT UPON THOSE WHO, IN FACT, INTEND TO USE
25 THOSE TO LOOK IN ADVANCE TO SEE WHERE THOSE SITES

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1 MIGHT BE LOCATED AND IF THERE ARE ANY KIND OF
2 PERMITTING REQUIREMENTS THAT NEED TO BE MET
3 BEFOREHAND.

4 TO GIVE YOU AN IDEA OF THE REVIEW
5 THAT WE'VE HAD ON THE PLAN, WE DISTRIBUTED IT
6 TWICE IN 1996, IN MARCH AND OCTOBER, FOR REVIEW
7 AND COMMENT AND SUBSEQUENTLY HAVE REVISED BASED ON
8 EACH OF THOSE REVIEW CYCLES. THE REVIEWERS
9 INCLUDED LOCAL GOVERNMENT EMERGENCY SERVICE
10 COORDINATORS, SOLID WASTE COORDINATORS, THE LOCAL
11 ENFORCEMENT AGENCIES, OTHER SELECTED LOCAL
12 GOVERNMENT REPRESENTATIVES, AND THE PUBLIC.

13 IN ADDITION, THE PLANNING AND
14 TECHNOLOGICAL ASSISTANCE DIVISION AND THE DISASTER
15 ASSISTANCE BRANCH AT OES HAVE REVIEWED IT EXTEN-
16 SIVELY, AND OES ALSO PROVIDED COMMENTS AS THE
17 STATE'S LIAISON TO FEMA.

18 OVERALL RESPONSE HAS BEEN VERY
19 POSITIVE. THE NEXT STEPS, WE HOPE TO, IF THE
20 BOARD DOES APPROVE THIS PLAN, TO TAKE FOUR STEPS.
21 THE ACTIONS THAT WE HAVE BEGUN TO SUPPORT THE
22 PLANNING EFFORTS ON DEBRIS MANAGEMENT ISSUES, WE
23 WOULD LIKE TO CONTINUE THE DIALOGUE WE'VE BEGUN
24 WITH FEMA AND OES ON THESE ISSUES SUCH AS DEBRIS
25 MANAGEMENT PLANNING, REIMBURSEMENT FOR DIVERSION

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1 PROGRAMS, AND IMPLEMENTATION OF LOCAL DEBRIS
2 MANAGEMENT PLANS.

3 FIRST, WE HOPE TO DISTRIBUTE THE
4 PLAN TO ALL LOCAL GOVERNMENTS ON COMPUTER DISK IN
5 VARIOUS FORMATS. FOR THOSE WHO ARE NOT ABLE TO
6 ACCESS EITHER THROUGH THE INTERNET OR ON COMPUTER,
7 WE DO PLAN TO HAVE HARD COPIES AVAILABLE. THE
8 EXECUTIVE SUMMARY WILL BE PLACED ON OUR OFFICE OF
9 LOCAL ASSISTANCE HOME PAGE ON THE INTERNET, AND WE
10 ARE IN THE PROCESS OF PLANNING LOCAL GOVERNMENT
11 WORKSHOPS FOR SPRING 1997 WHERE WE WOULD PRESENT
12 THE PLAN.

13 SECONDLY IS THE WORKSHOPS. THE
14 BOARD ALLOCATED APPROXIMATELY \$24,000 FOR OUR
15 CONTRACT FOR WORKSHOPS, AND WE ARE WORKING WITH
16 OES STAFF. HOPEFULLY WE WILL HAVE A CONVERSATION
17 WITH THEM TOMORROW TO DEVELOP THE SCOPE OF WORK
18 THAT WE WILL PRESENT TO THE BOARD FOR YOUR
19 CONSIDERATION.

20 WE ANTICIPATE INCLUDING WORKSHOP
21 LEADERS FROM THE BOARD, OES, FEMA, THE LOCAL
22 ENFORCEMENT AGENCIES, AND LOCAL GOVERNMENT
23 REPRESENTATIVES AND CONTRACTORS WHO HAVE HAD
24 EXPERIENCE IN WORKING ON DISASTERS. SOME OF
THE

25 TOPICS WE PROPOSE TO COVER WOULD BE SOME DEBRIS

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1 MANAGEMENT ISSUES AND SOLUTIONS, DEFINITELY TO
2 ENCOURAGE NETWORKING WITH THE LOCAL, STATE, AND
3 FEDERAL OFFICIALS THAT ONE WOULD BE INVOLVED WITH
4 IN DISASTER RECOVERY AND DEBRIS MANAGEMENT, AND
5 LASTLY ENCOURAGING THE PREPARATION OF A LOCAL
6 DEBRIS MANAGEMENT PLAN.

7 IN TERMS OF COORDINATION WITH THE
8 FEDERAL DEBRIS MANAGEMENT EFFORTS THAT ARE UNDER
9 WAY, HOPEFULLY IN FEBRUARY WE'LL BE MEETING WITH A
10 FEMA REPRESENTATIVE FROM THE EMERGENCY MANAGEMENT
11 INSTITUTE TO DISCUSS THEIR DEBRIS MANAGEMENT
12 COURSE MATERIALS AND HOW WE COULD COORDINATE THE
13 BOARD'S DISASTER PLAN WITH THEIR EFFORTS.

14 WE ALSO HOPE TO PROVIDE SOME INPUT
15 TO THAT FEDERAL PLAN BRINGING TO BEAR CALIFORNIA'S
16 EXPERIENCE WITH DISASTERS WITHIN THE LAST FIVE
17 YEARS.

18 AND LASTLY, IN WRITING THE PLAN,
19 STAFF FROM THE BOARD AND THE OES HAVE IDENTIFIED A
20 NUMBER OF ISSUES THAT WE HAVE IN COMMON, AND WE
21 WOULD LIKE TO CONTINUE THAT WORK IN DEBRIS
22 MANAGEMENT. AND SO WE ARE PROPOSING TO REVISE THE
23 EXISTING ADMINISTRATIVE ORDER THAT WAS SIGNED BY
24 THE EXECUTIVE DIRECTOR OF THE BOARD AND THE
25 DIRECTOR OF OES IN AUGUST 1994 TO MORE ACCURATELY

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1 REFLECT THE ROLES AND RESPONSIBILITIES OF EACH OF
2 OUR AGENCIES RELATIVE TO DEBRIS MANAGEMENT ISSUES.

3 WE WOULD BRING TO THE POLICY
4 COMMITTEE FOR CONSIDERATION THE REVISED
5 ADMINISTRATIVE ORDER, WHICH WOULD THEN COME TO THE
6 BOARD FOR, HOPEFULLY, APPROVAL.

7 WE HAVE WORKED OR DISCUSSED WITH OES
8 STAFF ABOUT REVISING THE STATE EMERGENCY PLAN
9 WHICH IS UNDER REVISION AS WE SPEAK TO INCORPORATE
10 A POLICY TO ENCOURAGE DISASTER DEBRIS MANAGEMENT
11 PLANNING AND ENCOURAGE DIVERSION PROGRAMS, AND
12 THIS WOULD ELEVATE DEBRIS MANAGEMENT TO A STATE-
13 WIDE LEVEL. AND THEY SEEM TO BE VERY RECEPTIVE TO
14 CONSIDERING ADDING SUCH A POLICY.

15 AND LASTLY, TO COORDINATE WITH OES
16 IN DEVELOPING TRAINING FOR DEBRIS MANAGEMENT PLANS
17 FOR LOCAL GOVERNMENT. THEY DO HAVE A TRAINING
18 INSTITUTE, AND WE COULD USE THAT ORGANIZATION TO
19 GET WIDE -- GET THE WORD OUT TO THOSE FOLKS WHO
20 WOULD BE IN NEED OF THAT.

21 THAT CONCLUDES MY PRESENTATION. AND
22 I -- THE STAFF RECOMMENDS THAT THE BOARD ADOPT
23 RESOLUTION 97-11, APPROVING THE INTEGRATED WASTE
24 MANAGEMENT DISASTER PLAN.

25 CHAIRMAN PENNINGTON: OKAY. THANK YOU.

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1 ANY QUESTIONS OF THE STAFF ON THIS ITEM?

2 BOARD MEMBER RELIS: MR. CHAIR, IN
3 COMMITTEE WE TOOK THIS UP IN-DEPTH, AND I JUST
4 WANT TO COMMEND THE STAFF FOR A SUPERB JOB ON
THIS

5 PLAN. I THINK IT'S AN OUTSTANDING EFFORT AND
ONE

6 THAT REFLECTS VERY FAVORABLY ON THIS BOARD AND
THE

7 PREPARATION OF THE STATE FOR THE INEVITABLE.

8 CHAIRMAN PENNINGTON: THANK YOU. I
AGREE

9 WITH YOU. I THINK THEY'VE DONE AN EXCELLENT
JOB.

10 I HAD SOME EXPERIENCE WHEN I WAS WITH HOUSING
WITH

11 DISASTER. AS I THINK I SAID IN COMMITTEE, TO
12 HANDLE THE DISASTER IS TO PLAN FOR IT. AND I'VE
13 SEEN THOSE COMMUNITIES THAT HAVE PLANS FARE
MUCH,

14 MUST BETTER IN RECOVERY AND IN RESPONSE THAN
THOSE

15 WHO DIDN'T HAVE A PLAN AND WERE SCRAMBLING.

16 I'LL TAKE A MOTION.

17 BOARD MEMBER RELIS: I'LL MOVE --

18 BOARD MEMBER JONES: SECOND IT.

19 BOARD MEMBER RELIS: -- ADOPTION OF OUR
20 PLAN.

21 CHAIRMAN PENNINGTON: 97-11, ADOPTION
22 OF
23 RESOLUTION 97-11.

24 BOARD MEMBER FRAZEE: SECOND.

25 CHAIRMAN PENNINGTON: IT'S BEEN MOVED

AND
26 SECONDED. ANY FURTHER DISCUSSION? IF NOT, WILL

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1 THE SECRETARY CALL THE ROLL.

2 BOARD SECRETARY: BOARD MEMBER CHESBRO.

3 BOARD MEMBER CHESBRO: AYE.

4 BOARD SECRETARY: FRAZEE.

5 BOARD MEMBER FRAZEE: AYE.

6 BOARD SECRETARY: GOTCH.

7 BOARD MEMBER GOTCH: AYE.

8 BOARD SECRETARY: JONES.

9 BOARD MEMBER JONES: AYE.

10 BOARD SECRETARY: RELIS.

11 BOARD MEMBER RELIS: AYE.

12 BOARD SECRETARY: CHAIRMAN PENNINGTON.

13 CHAIRMAN PENNINGTON: AYE. MOTION

14 CARRIES.

15 ITEM 35, CONSIDERATION OF STAFF
16 RECOMMENDATIONS CONCERNING IMPLEMENTATION OF
17 STRATEGIES DESIGNED TO ASSIST LOCAL GOVERNMENT IN
18 PLANNING FOR ADEQUATE LANDFILL CAPACITY AND
19 RECOMMENDATIONS ON HOW TO PROCEED WITH
20 DISSEMINATING METHODOLOGIES USED TO DETERMINE
21 REMAINING CAPACITY. JUDY FRIEDMAN.

22 MS. FRIEDMAN: YES. THIS IS A
23 CULMINATION OF CONSIDERABLE PUBLIC REVIEW AND
24 ANALYSIS AND STRATEGIES TO ASSIST COUNTIES IN
25 ACHIEVING MANDATED 15 YEARS OF CAPACITY. AND

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1 THAT'S JUST A BRIEF INTRODUCTION, AND I'D LIKE TO
2 TURN THE PRESENTATION OVER TO TRACY HARPER, OFFICE
3 OF LOCAL ASSISTANCE.

4 MS. HARPER: GOOD AFTERNOON, CHAIRMAN
5 PENNINGTON AND BOARD MEMBERS. I'M TRACY HARPER
6 WITH THE OFFICE OF LOCAL ASSISTANCE. AND THIS
7 AFTERNOON I'LL TRY TO BE A LITTLE BIT BRIEFER THAN
8 WE WERE IN POLICY COMMITTEE DISCUSSING THIS ITEM,
9 BUT I'M PLEASED TO PRESENT TO YOU THE CONTINUING
10 WORK IN ADDRESSING PLANNING FOR THE OTHER 50
11 PERCENT.

12 AS MANY OF YOU ARE AWARE, UNDER THE
13 BOARD'S DIRECTION, AS WELL AS THE POLICY
14 COMMITTEE, OVER THE PAST SEVERAL YEARS THE OFFICE
15 OF LOCAL ASSISTANCE HAS BEEN INVOLVED WITH
16 CONDUCTING WORK DESIGNED TO ASSIST LOCAL
17 GOVERNMENTS IN FULFILLING AB 939'S MANDATE TO
18 IDENTIFY AND PLAN FOR 15 YEARS OF DISPOSAL
19 CAPACITY.

20 IN ORDER TO PUT TODAY'S STAFF'S
21 RECOMMENDATIONS INTO CONTEXT, I'LL GO BRIEFLY INTO
22 SOME BACKGROUND. WHEN AB 939 FIRST PASSED, ONE OF
23 THE FIRST THINGS THAT HAPPENED IS LOCAL TASK
24 FORCES WERE REQUIRED TO CONVENE AND MAKE A
25 FINDING, AND THE FINDING CONCERNED REMAINING

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1 CAPACITY. IT DEFINED IT IN TERMS OF YEARS
2 REMAINING.

3 THE BOARD DIRECTED STAFF TO COMPILE
4 THESE FINDINGS AND PRESENT A REPORT ON REMAINING
5 LANDFILL CAPACITY, STATEWIDE REMAINING CAPACITY
6 BASED ON THESE FINDINGS. WE DID A LITTLE BIT MORE
7 RESEARCH TO GET SOME MORE DETAIL ON THOSE FINDINGS
8 IN TERMS OF TONNAGE, CUBIC YARDS, ANNUAL WASTE
9 LOADINGS, THOSE TYPES OF DETAILS. NEVERTHELESS,
10 IT WAS A COMPILATION OF YEARS OF REMAINING
11 CAPACITY FINDINGS.

12 THE BOARD DIRECTED STAFF TO PROCEED
13 WITH A CONTRACT CONCEPT DESIGNED TO DO A NUMBER OF
14 THINGS. FIRST OF ALL, WE WANTED TO GET A BETTER
15 HANDLE ON REMAINING CAPACITY ON A LANDFILL
16 SPECIFIC BASIS. THEN WE WANTED TO LOOK AT A
17 VARIETY OF PROJECTIONS USING THOSE STATISTICS
18 GIVEN POPULATION CHANGES, CHANGES IN THE WASTE
19 LOADING, CHANGES IN DIVERSION PERCENTAGES.

20 NOW, THE CALIFORNIA LANDFILL
21 GEOGRAPHIC INFORMATION SYSTEM, OR WHAT'S KNOWN AS
22 CALF GIS, WAS BORN FROM THIS WORK. AND THIS
23 SYSTEM UTILIZES INFORMATION CONCERNING LANDFILL
24 SPECIFIC REMAINING CAPACITY, POPULATION PRO-
25 JECTIONS, WASTE GENERATION, HAULING ROUTES, AND

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1 OTHER RELATED INFORMATION TO COME UP WITH ANSWERS
2 AS TO WHAT EFFECTS SPECIFIC DIVERSION LEVELS WILL
3 HAVE ON REMAINING CAPACITY COUNTYWIDE, STATEWIDE,
4 REGIONALLY.

5 THE CONTRACTOR ALSO PREPARED A
6 REPORT TOWARDS ENSURING ADEQUATE LANDFILL CAPACITY
7 WHICH SUMMARIZES THIS CAPACITY INFORMATION AND
8 ALSO INCLUDES A DISCUSSION OF PROBLEMS INHERENT TO
9 LOCAL GOVERNMENT IN THEIR ATTEMPTS TO PROVIDE
10 ADEQUATE CAPACITY.

11 PAGE 244 OF TODAY'S BOARD PACKET
12 INCLUDES THE FOLLOWING PROBLEMS WHICH WERE
13 IDENTIFIED: PUBLIC OPPOSITION TO PROPOSED
14 LANDFILL SITES, SHORT-TERM DECISION-MAKING VERSUS
15 LONG-TERM SOLUTIONS AND PLANNING, LACK OF FLOW
16 CONTROL AUTHORITY, POTENTIAL LIMITED RESOURCES,
17 AND LIMITED LOCAL JURISDICTION EXPERTISE, AND
HIGH
18 COST OR SCARCITY OF LAND SUITABLE FOR A
LANDFILL.

19 THE REPORT WENT ON TO COME DISCUSS
20 SOLUTIONS FOR BOARD CONSIDERATION, AND THESE
21 SOLUTIONS WERE PRESENTED IN SOMEWHAT OF A
LAUNDRY
22 LIST TYPE OF FORMAT, AND STAFF WAS THEN DIRECTED

23 TO PROCEED WITH SOLICITING FEEDBACK ON SOME OF
THE
24 SOLUTIONS. AND THE SOLUTIONS THAT WE WENT OUT
AND
25 DID OUTREACH EFFORT ON INCLUDE ASSISTANCE

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1 ESTABLISHING SITING CRITERIA COMMITTEES,
2 DEVELOPMENT OF A MEDIATION PROTOCOL, INFORMATION
3 AND EDUCATIONAL PROGRAMS, PREPARATION AND
4 DISTRIBUTION OF A SITING MANUAL, AND HOLDING
5 SITING WORKSHOPS, AND A TECHNICAL ASSISTANCE
6 PROGRAM.

7 NOW, THROUGH THE ENTIRE REPORT
8 DEVELOPMENT PROCESS, A NUMBER OF WORKSHOPS WERE
9 HELD, ONE OF WHICH INCLUDED OUR NEWEST BOARD
10 MEMBER AS A PANELIST, STEVE JONES. AND THIS
11 REPORT WHEN THROUGH EXTENSIVE REVISIONS BASED ON
12 THE COMMENTS THAT WE RECEIVED, WHICH INCLUDED
13 ENHANCING THE LANDFILL DATA COLLECTION AS WELL AS
14 REVISING THE STRATEGIES.

15 OUR OUTREACH EFFORT INCLUDED
16 DEVisING WORK PLANS FOR THOSE STRATEGIES WHICH, IN
17 OTHER WORDS, WOULD BE HOW THE BOARD STAFF WOULD GO
18 ABOUT IMPLEMENTING THESE STRATEGIES AND PROCEEDED
19 TO TAKE THE REPORT, THE CALF GIS SYSTEM, AND THE
20 STRATEGY WORK PLANS OUT FOR REVIEW AND COMMENT.

21 WE MET WITH THE FOLLOWING GROUPS:
22 THE SOLID WASTE ASSOCIATION OF NORTH AMERICA, THE
23 LOCAL GOVERNMENT TECHNICAL ADVISORY COMMITTEE, THE
24 CALIFORNIA SOURCE RECOVERY ASSOCIATION, AND THE
25 CALIFORNIA REFUSE REMOVAL COUNCIL, AS WELL AS

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1 OTHER INTERESTED PARTIES. BASED ON THE COMMENTS
2 RECEIVED, WE REVISED THE STRATEGIES.

3 NOW, TODAY'S AGENDA ITEM, IF I CAN
4 BRING YOU UP-TO-DATE NOW, CONTAINS THESE REVISED
5 STRATEGIES AND STAFF RECOMMENDATIONS AS TO IN WHAT
6 ORDER OR PRIORITIES THESE STRATEGIES SHOULD BE
7 CONSIDERED. ALL OF THESE STRATEGIES INVOLVED
8 ADDITIONAL WORK AND REQUIRES ADDITIONAL RESOURCES.
9 SO IN DISCUSSING A SPECIFIC STRATEGY BRIEFLY, I'LL
10 DISCUSS THE ESTIMATED RESOURCES NECESSARY TO
11 IMPLEMENT IT.

12 THE FIRST STRATEGY INVOLVES THE CALF
13 GIS SYSTEM. OUR CONTRACTOR, ENVIRONMENTAL SCIENCE
14 ASSOCIATES, AND PAUL MILLER IS HERE FROM ESA TO
15 ANSWER ANY QUESTIONS THAT YOU MIGHT HAVE. AND WE
16 HEARD OVERWHELMING POSITIVE COMMENTS WHEN WE WENT
17 OUT ON OUR PUBLIC OUTREACH WITH THE CALF GIS. AND
18 ORIGINALLY THE CALF GIS WAS NOT ENVISIONED TO BE A
19 QUOTE, UNQUOTE, STRATEGY; HOWEVER, THROUGH OUR
20 OUTREACH EFFORT AND THE FEEDBACK THAT WE RECEIVED,
21 WE HAVE PLACED THAT NOW AS A STRATEGY AND THE
22 FIRST STRATEGY.

23 MANY COMMENTS SUGGESTED THAT MUCH
24 MORE SHOULD BE DONE IN UPDATING LANDFILL CAPACITY
25 INFORMATION, AS WELL AS ADDING INFORMATION

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1 RELATIVE TO DIVERSION FACILITIES. AND TOWARD THAT
2 END, STAFF HAS COLLECTED AND TABULATED INFORMATION
3 CONCERNING LANDFILL CAPACITY AS WELL AS PROPOSED
4 AND EXISTING DIVERSION FACILITIES WHICH HAVE BEEN
5 INCLUDED IN BOARD APPROVED NONDISPOSAL FACILITY
6 ELEMENTS AND SITING ELEMENTS.

7 NOW, AT THIS POINT 80 PERCENT OF THE
8 WORK HAS BEEN COMPLETED IN ENHANCING AND UPDATING
9 THE CALF GIS SYSTEM, AND PLANS CALL FOR PLACING
10 THIS INFORMATION ON THE BOARD'S NETWORK, AS WELL
11 AS EVENTUALLY PLACING IT ON THE BOARD'S INTERNET
12 SITE. ALSO, ONE OF THE ISSUES THAT WE'RE LOOKING
13 AT IS HOW WE CAN KEEP THIS INFORMATION UPDATED SO
14 THE SYSTEM REMAINS ACCURATE.

15 ONE OF THESE THAT WE'RE LOOKING AT
16 IS PERHAPS PLACING FORMS ON A WEB SITE WHICH WILL
17 BE ACCESSIBLE ONLY BY SPECIFIC FACILITY OPERATORS
18 TO PROVIDE THAT INFORMATION TO US. I THINK WHAT
19 YOU'RE SEEING ON THE SCREEN IS AN EXAMPLE OF THE
20 CALF SYSTEM. AND RIGHT NOW THE DOTS THAT YOU SEE,
21 THE BLACK DOTS, INDICATE SPECIFIC LANDFILLS. AND
22 WHEN THE SYSTEM -- WHEN YOU'RE ON THE SYSTEM AND
23 ACCESSING THIS INFORMATION, YOU CAN DOUBLE CLICK
24 THE CURSOR ON THE DOT AND IT CALLS UP THE NAME OF
25 THE FACILITY, SOME BITS OF INFORMATION CONCERNING

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1 REMAINING CAPACITY, AND THE OPERATOR. AND WHAT WE
2 HOPE TO DO IS ADD SOME MORE LAYERS SO THAT, FOR
3 EXAMPLE, DIFFERENT SYMBOLS, DIFFERENT COLORED
4 SYMBOLS, WOULD INDICATE DIFFERENT TYPES OF
5 FACILITIES. SO, FOR EXAMPLE, WE COULD HAVE A
6 GREEN TRIANGLE REPRESENT COMPOSTING FACILITIES AND
7 A SQUARE REPRESENT MRF'S OR SOMETHING OF THAT
8 NATURE.

9 IT'S ESTIMATED THAT FINISHING THIS
10 WORK MIGHT TAKE ONE-HALF TO ONE PERSON YEAR TO
11 COMPLETE WITH IN-HOUSE RESOURCES WHICH INCLUDES
12 ASSISTANCE FROM THE INFORMATION MANAGEMENT BRANCH
13 AND AS WELL AS ONE-HALF PY ALLOCATED FOR ANNUAL
14 MAINTENANCE, AS WELL AS INFORMATION UPDATING.
15 AGAIN, IF YOU HAVE ANY QUESTIONS, PAUL MILLER IS
16 HERE AND MIGHT BE ABLE TO ANSWER ANY YOU MIGHT
17 HAVE AS WELL.

18 THE NEXT STRATEGY IS THE ASSISTANCE
19 WITH LOCAL LANDFILL SITING COMMITTEES AND
20 DEVELOPMENT OF THE LANDFILL SITING OR LANDFILL
21 CAPACITY SITING MANUAL. NOW, THIS STRATEGY
22 INVOLVES THE DEVELOPMENT OF A LANDFILL MANUAL
23 WHICH WOULD BE DESIGNED TO ASSIST LOCAL
24 GOVERNMENTS IN THEIR EFFORTS INVOLVING LOCAL
25 LANDFILL SITING COMMITTEES. UTILIZING LOCAL

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1 GOVERNMENT EXPERIENCE, MUCH LIKE WE DO WHEN WE
2 DEVELOP OTHER MODELS AND MANUALS, WE WOULD THEN
3 DEVELOP A MODEL AND DISTRIBUTE IT. THE MANUAL
4 WOULD INCLUDE INFORMATION ON HOW TO ESTABLISH A
5 SITING COMMITTEE, STRATEGIES FOR IDENTIFYING
6 POTENTIAL SITES, SUGGESTIONS FOR HOW TO

FACILITATE

7 THE PUBLIC PROCESS, FUNDING MECHANISMS, AS WELL
AS

8 OPTIONS TO EXPANDING OR SITING NEW DISPOSAL
9 CAPACITY. IT'S ESTIMATED THAT ONE-HALF TO ONE
PY

10 WOULD BE NECESSARY TO IMPLEMENT THIS STRATEGY.

11 DEVELOPMENT OF A MEDIATION
PROTOCOL

12 IS THE NEXT STRATEGY, AND THIS INVOLVES THE
13 COLLECTION AND DISTRIBUTION OF ALTERNATIVE
DISPUTE

14 RESOLUTION INFORMATION. ALONG WITH THE BASIC
15 DISCUSSION OR DESCRIPTION OF WHAT ADR IS AND HOW
16 IT CAN BE AND HAS BEEN USED, STAFF WOULD DEVELOP
A

17 LIST OF RELEVANT LITERATURE AND RESOURCES THAT
ARE

18 CURRENTLY AVAILABLE FOR LOCAL GOVERNMENTS. THIS

19 INFORMATION WOULD BE DISTRIBUTED IN CONCERT WITH
20 THE LANDFILL CAPACITY SITING MANUAL, AS WELL AS
21 PLACED WITH OTHER OFFICE OF LOCAL ASSISTANCE
22 INFORMATION ON THE BOARD'S WEB SITE. IT'S
ESTIMA-
23 TED ABOUT A QUARTER OF A PY WOULD BE NECESSARY
TO
24 IMPLEMENT THIS.
25 THEN WE HAVE THE TECHNICAL

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1 ASSISTANCE PROGRAM CLEARINGHOUSE. WE'VE HEARD A
2 LOT OF FEEDBACK ON THE BOARD'S ROLE, DESIRED
ROLE,

3 TO BE A CLEARINGHOUSE OF INFORMATION. SO THIS
4 STRATEGY INVOLVES A TWO-PRONGED APPROACH.

FIRST,

5 STAFF WOULD DEVELOP AND OUTLINE CURRENT
RESOURCES

6 AVAILABLE ON CAPACITY ISSUES, MUCH LIKE THE
OFFICE

7 OF LOCAL ASSISTANCE LIBRARY WHICH HAS
INFORMATION

8 RELATIVE TO DIVERSION PLANNING ISSUES. SO THIS
9 CONCEPT WOULD THEN BE EXPANDED TO INCLUDE
LANDFILL

10 CAPACITY RELATED REFERENCES.

11 SECOND, A MULTIDISCIPLINARY TEAM
12 VERSED IN A BROAD SPECTRUM OF ISSUES FROM
SUBTITLE

13 D TO CEQA WOULD BE CONVENED TO CONDUCT WORKSHOPS
14 ON ISSUES THAT LANDFILL SITING COMMITTEES SHOULD
15 BE AWARE OF IN CONSIDERING CAPACITY SITING
ISSUES.

16 THIS TEAM COULD CONDUCT REGIONAL WORKSHOPS.
IT'S

17 ESTIMATED THAT ONE-QUARTER TO TWO PY WOULD BE
18 NECESSARY TO IMPLEMENT THIS STRATEGY DEPENDING
ON
19 HOW FULLY IT WOULD BE IMPLEMENTED.
20 THE LAST STRATEGY IS PUBLIC
21 EDUCATION. WE HEARD OVERWHELMING POSITIVE
22 REINFORCEMENT FOR THE BOARD TO ACT AS A
23 DISTRIBUTOR OF EDUCATIONAL INFORMATION RELATIVE
TO
24 LANDFILLS. ACCORDING TO THE FACILITY CONSUMER
25 RESEARCH SURVEY PREPARED LATE LAST YEAR, THERE'S
A

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1 NEED FOR EDUCATIONAL MATERIALS TO BE DISTRIBUTED
2 TO THE GENERAL PUBLIC CONCERNING LANDFILLS ABOUT
3 HOW THEY OPERATE AND THE RELATIVE SAFETY AND
4 ENVIRONMENTAL SAFEGUARDS.

5 THE BROCHURE "BEYOND 2000 -
6 CALIFORNIA'S CONTINUING NEED FOR LANDFILLS" WAS
7 PRODUCED LATE LAST YEAR. STAFF IS RECOMMENDING
8 THIS BROCHURE BE DISTRIBUTED WIDELY.

9 AS I MENTIONED BEFORE, THAT WE HAVE
10 PUT THESE STRATEGIES IN A PRIORITY ORDER, AND WE
11 WOULD RECOMMEND THAT THE BOARD FOLLOW THE
12 COMMITTEE'S RECOMMENDATION AND DIRECT STAFF TO
13 PROCEED WITH STRATEGY IMPLEMENTATION IN THE
14 FOLLOWING PRIORITY ORDER. IT'S ON YOUR SCREEN
15 NOW. AND THE FIRST WOULD BE THE CALF GIS AND
THEN

16 DISTRIBUTE THE BROCHURE "BEYOND 2000," DEVELOP
THE
17 LANDFILL CAPACITY SITING MANUAL, WORK TOWARDS THE
18 BOARD AS A CLEARINGHOUSE OF INFORMATION, AND THEN
19 DEVELOP A REFERENCE FOR ALTERNATIVE DISPUTE OR
20 MEDIATION INFORMATION.

21 AT THIS TIME I'D BE HAPPY TO
22 ENTERTAIN ANY QUESTIONS RELATIVE TO THE
STRATEGIES

23 PORTION OF TODAY'S AGENDA ITEM BEFORE WE MOVE
INTO

24 THE DISCUSSION ON THE METHODOLOGIES REPORT IF
25 ANYONE HAS ANY QUESTIONS.

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1 CHAIRMAN PENNINGTON: QUESTIONS? WHAT A
2 SALE.

3 MS. HARPER: THEN I'D LIKE TO MOVE INTO
4 REGARDING OPTION 3 AND 4 UNDER RECOMMENDATIONS,
5 AND IT CONCERNS THE REPORT "DETERMINING REMAINING
6 PERMITTED CAPACITY OF CALIFORNIA SANITARY
7 LANDFILLS." STAFF RECOMMENDATIONS WERE NOT
8 PREVIOUSLY CONSIDERED AT THE POLICY COMMITTEE
9 MEETING DUE TO, IN PART, THAT NOT ALL REVIEWS HAD
10 BEEN COMPLETED DUE TO THE HOLIDAY SCHEDULE AND
11 WHAT NOT. SO TODAY STAFF FROM THE PERMITTING AND
12 ENFORCEMENT DIVISION ARE HERE TO BRIEFLY DESCRIBE
13 THE METHODOLOGIES AND DISCUSS THE BEST WAY TO
14 DISSEMINATE THIS INFORMATION TO LANDFILL OWNER-
15 OPERATORS.

16 I'D JUST LIKE TO MAKE A COUPLE OF
17 REMARKS TO PUT THAT REPORT INTO CONTEXT. THROUGH
18 THE SURVEY UNDERTAKEN TO GATHER LANDFILL SPECIFIC
19 CAPACITY INFORMATION, WE DID HAVE THE FORESIGHT TO
20 ASK THE QUESTION: HOW DO YOU DETERMINE YOUR
21 REMAINING CAPACITY? COULD YOU JUST BRIEFLY
22 DESCRIBE THE METHOD THAT'S USED AT YOUR FACILITY?
23 SO LATER ON, WHEN IT WAS REQUESTED THAT WE DO AN
24 AUGMENTATION OF THE CONTRACT TO LOOK AT
25 METHODOLOGIES, WE HAD THAT INFORMATION.

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1 AND THE CONTRACTOR TABULATED THAT
2 INFORMATION AS BEST WE COULD, AND WE INDICATED THE
3 NEED TO LOOK AT HOW UNIFORM LANDFILL OWNER-
4 OPERATORS MAY OR MAY NOT BE DETERMINING HOW MUCH
5 CAPACITY THEY HAVE. AND THEN DEPENDING UPON WHAT
6 WE FIND OUT, IF THERE'S A NEED TO DEVELOP ONE OR
7 MORE STANDARD METHODOLOGIES TO DESCRIBE THOSE AND
8 TO DISSEMINATE THOSE AS NECESSARY. BUT WE DIDN'T
9 INTEND FOR THE BOARD TO ACT TOWARDS A REGULATORY
10 EFFORT, IF YOU WILL, BUT MORE AS A TECHNICAL
11 ASSISTANCE EFFORT. SO I'D LIKE TO INTRODUCE
12 CHARLENE HERBST WHO WILL DISCUSS THIS ITEM.

13 MS. HERBST: CHARLENE HERBST WITH THE
14 CLOSURE AND REMEDIATION BRANCH. JUST REAL
15 BRIEFLY, REPORT TOWARDS DETERMINING LANDFILL
16 CAPACITY DESCRIBED THREE METHODS THAT WERE USED TO
17 MAKE THOSE CALCULATIONS: TOPOGRAPHIC METHODS,
18 WEIGHT-BASED CALCULATIONS, AND TRENCH-BASED
19 CALCULATIONS.

20 THE TOPOGRAPHIC METHOD IS THE MOST
21 COMMON. ABOUT 90 PERCENT OF THE CAPACITY
22 CALCULATIONS WE'RE CURRENTLY LOOKING AT WERE DONE
23 USING THE TOPOGRAPHIC METHOD EITHER BY USING AN
24 AERIAL SURVEY, IF IT WAS A LARGE SITE, SAY, OVER
25 10 ACRES, OR A FIELD SURVEY UNDER 10 ACRES, AND

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1 ESSENTIALLY DETERMINING THE DIFFERENCE IN
2 TOPOGRAPHY ESSENTIALLY BEFORE AND AFTER FILLING
3 AND CALCULATING WHAT VOLUME THAT REPRESENTS.

4 THE WEIGHT-BASED CALCULATIONS, AS
5 INDICATED BY THE NAME, REQUIRES A SCALE. AND YOU
6 WEIGH IN THE LOADS AS THEY COME IN AND CONVERT
7 THAT INFORMATION TO A VOLUME FROM A WEIGHT.

8 AND FINALLY, TRENCH-BASED
9 CALCULATIONS, WHICH ARE USED IN ONLY LIMITED
10 APPLICATIONS, INVOLVE LOOKING AT A TRENCH OR
11 WHATEVER FILL AND THEN MEASURING THE CHANGE IN
12 VOLUME. IT'S OFTEN USED ON A BURN SITE TO FILL
13 AND THEN BURN AND SEE WHAT CAPACITY REMAINS IN
14 THE
15 TRENCH.

16 THE SUGGESTIONS THAT WE MADE
17 THAT

18 ARE INCORPORATED IN THE ITEM ARE FOUR. AND
19 AGAIN,

20 THEY DON'T INVOLVE ANY CHANGES TO THE EXISTING
21 REGULATIONS, BUT RATHER AS A TECHNICAL
22 ASSISTANCE

23 MOVE, WE WOULD IDENTIFY A TEAM TO WORK ON
24 LANDFILL

25 CAPACITY ISSUES TO PROVIDE INFORMATION TO BOTH
26 OWNERS, OPERATORS, AND LEA'S.

22 THAT TEAM WOULD THEN PREPARE A
23 MANUAL TO ASSIST PEOPLE IN DETERMINING WHICH
OF
24 THESE THREE METHODS ARE MOST APPROPRIATE FOR
THEIR
25 SITE. WE SEE A NEED TO DEVELOP SOME
GUIDELINES TO

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1 ASSIST PEOPLE WHEN THEY'RE CONTRACTING OUT FOR
2 SURVEYS USING THE TOPOGRAPHIC METHOD TO ENSURE
3 THAT THEY WIND UP GETTING WHAT THEY NEED, NOT
4 GETTING CHARGED EXCESSIVE AMOUNTS OF MONIES FOR
5 INFORMATION THEY DON'T REALLY HAVE TO HAVE, AND

TO

6 ASSIST THEM IN GETTING A REPUTABLE CONTRACTOR.

7 AND FINALLY, OUR FOURTH SUGGESTION

8 WILL BE TO PROVIDE TRAINING FOR BOTH OPERATORS

AND

9 FOR LEA'S ON ACCURATE CALCULATION OF LANDFILL

10 CAPACITY.

11 IF YOU HAVE ANY QUESTIONS ABOUT

ANY

12 OF THOSE AREAS.

13 BOARD MEMBER RELIS: I HAVE A QUESTION,

14 MR. CHAIRMAN. WHAT'S OUR EXPERIENCE THUS FAR

WITH

15 THESE METHODS IN DETERMINING ACCURACY BECAUSE WE

16 HAVE HAD A NUMBER OF CASES OBVIOUSLY BEFORE US

17 THAT ARE PERMIT RELATED WHERE THERE'S AN

ESTIMATED

18 CLOSURE DATE, AND THAT'S BASED, I ASSUME, OFTEN

ON

19 TOPOGRAPHICAL? WHAT DEGREE OF CONFIDENCE SINCE

WE

20 USED THAT EARLIER?

21 MS. HERBST: WELL, IT DEPENDS ON THE

22 METHOD. THE TRENCH VOLUME CALCULATIONS TEND TO

BE

23 PRETTY ACCURATE, BUT THEY ONLY WORK FOR VERY,

VERY

24 SMALL OPERATIONS AND THEY'RE PRETTY LIMITED.

THE

25 AERIAL SURVEYS, USING COMPUTER ASSISTED

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1 CALCULATIONS, TEND TO BE PRETTY ACCURATE BECAUSE
2 THERE ARE INTERNAL CROSS CHECKS TO DETERMINE THE
3 VOLUME. THE ONES THAT ARE DEPENDENT ON WEIGHING
4 LOADS OF REFUSE AS THEY COME INTO THE SITE AND
5 THEN CONVERTING THAT TO A VOLUME TEND TO BE THE
6 RISKIEST BECAUSE THERE SEEMS TO BE A WIDE
7 VARIATION OF OPINION ABOUT HOW MUCH GARBAGE WEIGHS
8 ON AN AVERAGE.

9 BOARD MEMBER RELIS: BECAUSE -- I RAISE
10 THE QUESTION BECAUSE IF WE'RE GOING TO BE THIS
11 REPOSITORY OF THE BEST AVAILABLE INFORMATION, OUR
12 CHOICES ABOUT WHAT WE RECOMMEND BECOME CRUCIAL.
13 WE WANT THE MOST ACCURATE MEASUREMENTS OF CAPACITY
14 BECAUSE THAT'S PART OF OUR MANDATE, OUR CHARGE AS
15 A BOARD, AND IT ALSO IS CRITICAL TO OUR ANALYSIS
16 OF FUTURE CONDITIONS IN THE STATE. AND SO IF IT
17 WAS VIEWED THAT ONE METHOD WASN'T PARTICULARLY
18 ACCURATE, BUT IT WAS PART OF A GRAB BAG, I DON'T
19 THINK WE WOULD WANT TO RECOMMEND THAT.

20 MR. HERBST: I THINK THAT IT WOULD BE
21 PROBABLY UNREALISTIC TO EXPECT ANY OF THE METHODS
22 TO BE MORE ACCURATE THAN WITHIN 10 PERCENT OF THE
23 REAL NUMBER, BUT A LOT IS GOING TO DEPEND ON HOW
24 CAREFULLY THE WORK IS DONE. SO WE CAN CERTAINLY
25 ADVOCATE THE MOST ACCURATE METHODS, BUT PEOPLE ARE

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1 ALSO GOING TO HAVE TO BE CAREFUL ABOUT HOW THEY
2 IMPLEMENT IT AND DOUBLE-CHECK THEIR WORK.

3 BOARD MEMBER RELIS: IT SEEMS TO ME WHERE
4 WE ARE IN THE INFORMATION AGE, I MEAN WE HAVE
5 UNDERLYING TOPOGRAPHICAL MAPS AND THE GIS SYSTEM.
6 I DON'T KNOW IT THAT WELL, BUT AERIAL MAPPING IS,
7 I THINK, VERY PRECISE. IT'S NOT AN ART NOW. IT'S
8 A SCIENCE. AND IT SEEMS TO ME WE OUGHT TO BE ABLE
9 TO GET A VERY HIGH DEGREE OF ACCURACY TODAY UNDER
10 THE -- WITH THE TECHNOLOGIES THAT ARE THERE. I
11 DON'T KNOW HOW MUCH IT COSTS, BUT IS THAT NOT THE
12 CASE?

13 MS. HERBST: WELL, THE ACCURACY THAT WE
14 WOULD SAY WOULD BE PROBABLY SOMETHING YOU COULD
15 COUNT ON WOULD BE PLUS OR MINUS 10 PERCENT OF THE
16 TRUE CAPACITY. I THINK THAT TO GET A NUMBER
17 THAT'S MORE ACCURATE THAN THAT WOULD PROBABLY BE
18 DIFFICULT, AND PLUS OR MINUS 10 PERCENT SHOULD BE
19 PRETTY GOOD FOR OUR PURPOSES.

20 BOARD MEMBER RELIS: PRETTY GOOD FOR
21 GOVERNMENT.

22 MS. HERBST: PRETTY GOOD FOR WHOEVER HAS
23 TO RUN THE CALCULATIONS.

24 CHAIRMAN PENNINGTON: OKAY.

25 BOARD MEMBER FRAZEE: NO. I CERTAINLY

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1 BELIEVE THAT THIS IS A WORTHWHILE EFFORT FOR US TO
2 BE MOVING ON AND GATHERING THIS INFORMATION, BUT
3 IT SEEMS THAT THERE'S A GREAT DIFFICULTY IN
4 GETTING THAT SNAPSHOT IN TIME IN PRODUCING
5 DOCUMENTS AND MANUALS THAT REALLY REPRESENT A
6 CLEAR PICTURE.

7 AND I THINK WE'RE RIGHT ON THE
8 SHOULDER OF A CHANGING ENVIRONMENT IN LANDFILLS.
9 I THINK EVERYONE RECOGNIZES THAT SMALL COUNTIES
10 ARE NOT GOING TO DEVELOP NEW LANDFILLS. I THINK
11 THAT'S A GIVEN, THAT THE WHOLE MAJOR PORTIONS OF
12 CALIFORNIA ARE GOING TO SHIFT TO SOME KIND OF A
13 TRANSFER HAULING KIND OF AN OPERATION. AND THERE
14 ARE MANY, MANY COUNTIES THAT WILL NEVER DEVELOP
15 ANOTHER LANDFILL.

16 AND THEN WE HAVE SOME RATHER RECENT
17 HISTORY THAT SHOWS HOW FLUID THE SITUATION IS.
18 AND ORANGE COUNTY IS A GOOD EXAMPLE OF THAT, HOW
19 PRICING CREATES THESE MAJOR DISTORTIONS IN THE
20 AMOUNT OF CAPACITY LEFT IN A GIVEN AREA. AND
21 OUT-OF-STATE HAUL, FOR THAT MATTER, AND THE
22 PRICING CHANGES CAUSE WHIMS ON THE PART OF
23 OPERATORS TO GO FROM TRANSPORTING TO AN IN-STATE
24 LANDFILL IN A NORTHERLY DIRECTION TO AN
25 OUT-OF-STATE LANDFILL IN AN EASTERLY DIRECTION
AND

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1 THAT CHANGES MONTH TO MONTH. AND I WISH YOU GOOD
2 LUCK IN GETTING THIS INFORMATION ALTOGETHER AND
3 BEING A REPOSITORY OF THAT KIND OF INFORMATION
4 WHERE IT'S ACCESSIBLE.

5 ANOTHER THOUGHT IS THE ONE THAT I
6 THINK IS GOING TO BE A GREAT CHALLENGE, AND THAT'S
7 THE TERMS YOU USE, DISPUTE RESOLUTION EFFORTS IN
8 THE SITING OF LANDFILLS. I THINK IN ANY KIND OF
9 SOLUTION WHERE YOU ARE GETTING PEOPLE TO SIT DOWN
10 AND COME TO CONCLUSIONS THAT WOULD ULTIMATELY
11 RESULT IN THE SITING OF A LANDFILL PRESUPPOSES
12 THAT YOU HAVE PEOPLE WHO ARE WILLING TO DO THAT IN
13 THE BEGINNING.

14 AND I THINK OPPOSITION TO A LOT OF
15 PUBLIC FACILITIES AND LANDFILLS IS PROBABLY THE
16 MAJOR INSTANCE. IT'S JUST NO, NO, NO. IT'S NOT
17 MAYBE OR IF OR THIS COULD BE MITIGATED. IT JUST
18 WILL CONTINUE TO BE NO, AND I THINK WE HAVE A
19 GREAT CHALLENGE IN THAT AREA. AND THE ALTERNA-
20 TIVES MAY END UP BEING SOMETHING, YOU KNOW, LONG
21 HAUL PROCESS OR THINGS COULD HAPPEN THAT THE

MAJOR

22 DESERT LANDFILLS COULD COME ON-LINE AND CHANGE
THE
23 PICTURE IN EVERY COUNTY IN CALIFORNIA.

24 CHAIRMAN PENNINGTON: OKAY. ANY OTHER

25 QUESTIONS? DISCUSSION? OKAY. WHAT'S OUR

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1 PLEASURE HERE?

2 MS. HARPER: IF I MAY, STAFF IS
3 RECOMMENDING OPTIONS 1 AND 3, THEREBY INSTRUCTING
4 STAFF TO IMPLEMENT THE STRATEGIES IN THE ORDER OR
5 THE PRIORITY GIVEN, AS WELL AS TO DIRECT STAFF TO
6 PRODUCE THE GUIDANCE DOCUMENT CONCERNING
7 METHODOLOGIES, AND THEN TO DISSEMINATE THAT TO
8 LANDFILL OPERATORS. THAT'S OPTIONS 1 AND 3 THAT
9 STAFF IS RECOMMENDING AT THIS TIME.

10 CHAIRMAN PENNINGTON: OKAY.

11 BOARD MEMBER JONES: I'D LIKE TO MAKE THE
12 MOTION THAT WE ACCEPT THE STAFF RECOMMENDATIONS 1
13 AND 3.

14 BOARD MEMBER GOTCH: I'LL SECOND.

15 CHAIRMAN PENNINGTON: IT'S BEEN MOVED AND
16 SECONDED THAT WE ADOPT THE STAFF RECOMMENDATIONS 1
17 AND 3. IS THERE ANY FURTHER DISCUSSION ON THAT?
18 IF NOT, THE SECRETARY WILL CALL THE ROLL.

19 BOARD SECRETARY: BOARD MEMBER CHESBRO.

20 BOARD MEMBER CHESBRO: AYE.

21 BOARD SECRETARY: FRAZEE.

22 BOARD MEMBER FRAZEE:

AYE.

23 BOARD SECRETARY: GOTCH.

24 BOARD MEMBER GOTCH: AYE.

25 BOARD SECRETARY: JONES.

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1 BOARD MEMBER JONES: AYE.

2 BOARD SECRETARY: RELIS.

3 BOARD MEMBER RELIS: AYE.

4 BOARD SECRETARY: CHAIRMAN PENNINGTON.

5 CHAIRMAN PENNINGTON: AYE. MOTION

6 CARRIES.

7 LAST ITEM FOR TODAY IS ITEM 38, OPEN

8 DISCUSSION IF THERE'S ANYBODY THAT WISHES TO

9 ADDRESS THE BOARD. IF NOT, WE'LL RECESS UNTIL 9

10 O'CLOCK TOMORROW MORNING WHEN WE WILL TAKE UP THE

11 50-PERCENT INITIATIVE.

12

13 (THE MEETING WAS RECESSED AT 2:40

14 P.M. TO BE RECONVENED AT 9 A.M. ON THURSDAY,

15 JANUARY 23, 1997.)

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